APPENDIX

TO

PROCEEDINGS OF SENATE.

THIRD BIENNIAL MESSAGE

OF

GOV. HENRY G. BLASDEL,

DELIVERED TO THE LEGISLATURE, JANUARY, 1871.

GOVERNOR'S MESSAGE.

STATE OF NEVADA, EXECUTIVE DEPARTMENT,
CARSON CITY, January 3, 1871.

Gentlemen of the Senate and Assembly:

As we again assemble to discharge the responsible trusts to which we have been chosen by a confiding people, let us devoutly remember Him, the Creator and Disposer of all, rendering grateful thanksgiving for the past, and humbly invoking His divine guidance in our future labors.

The past two years have been fruitful of good to the people. Under the wise policy and rigid economy of the administration of President Grant, though the burdens of taxation have been sensibly reduced, the National faith has been kept, the National credit steadily advanced, and nearly two hundred millions of the Nation's debt have been paid.

Under the impetus of free labor, the southern portion of the Union is so swiftly progressing in the race of material wealth, that already the devastations of war have measurably disappeared.

The last of the rebellious States has been admitted to Constitutional relations with the Government, and the Union finally restored upon a basis of broader liberty and more universal equality.

At home, our causes of gratitude are manifold and great. Health has blessed and material prosperity attended the efforts of the people. The mineral resources of the State have developed beyond our expectation. Extensive veins of precious metals, fabulous in richness, have been discovered, affording opportunities for investment, which have attracted several millions of foreign capital to our midst. The great transcontinental railway has been triumphantly completed, connecting the great oceans, binding the East and West in ties of closer intimacy; opening new fields of industry; infusing new energy and life into business, and furnishing us with rapid and easy communication and cheap transportation for our products and supplies.

FINANCE AND STATE DEBT.

Owing to the fact that the fiscal year terminates on the thirty-first of December, the Controller and Treasurer have not yet been able to furnish me their reports. It is, therefore, impossible to here submit a detailed statement of the receipts and disbursements for the last two years, or to name the precise amount in the Treasury and of the State Debt.

The funds on hand, exclusive of the bonds held by the Irreducible School Fund, is about $100,000. The entire indebtedness approximates $650,000, of which about $150,000 is the floating debt, and consists of warrants and claims against the Capitol Building, State Prison and

General Funds of the Treasury, and $500,000 is the bonded debt (bearing interest at fifteen per cent. per annum,) which will be due March 1, 1872.

When we reflect that at the organization of our Constitutional Government, the State assumed the entire indebtedness of the late Territory, amounting to over $300,000; that there has been expended in the erection of public buildings (Prison, Capitol and Orphans' Home) about $160,000, and that there was abstracted and misappropriated by the late State Treasurer (now deceased) over $106,000, we find (adding the amount in the Treasury) that during the last six years the receipts have exceeded the ordinary public expenditures—a gratifying fact, when compared with exhibits made by other States of the Union.

It will also devolve upon you, during your present session, to provide for the payment of the $500,000 due March 1, 1872. I suggest the propriety of authorizing the issuance and sale of bonds to the same amount, to run ten years, and to bear interest at not exceeding ten per cent. per annum. If you do this, and provide a special tax sufficient to pay the interest semi-annually, and the principal at maturity, they will meet with ready sale.

It would, perhaps, be wise to issue a portion of them in small sums, say one hundred dollars each, thus giving persons of limited means an opportunity to invest.

TAXATION OF LANDS AND PROCEEDS OF MINES.

Hitherto large quantities of wild land—chiefly timbered—have escaped taxation, through defective legislation, and the intentional neglect of owners to take the fee from the United States. I refer to lands granted by Congress to the Central Pacific Railroad Company, to which it has a perfect and absolute right, but inchoate title; and to lands selected by the State, at the instance of purchasers, under section five of the State Land Law, of April 2d, 1867. I recommend the amendment of the revenue law so as to include in the definition of "Real Estate," and subject to taxation for State and County purposes, lands held by grant of the Federal Government, or permission of the State, when an inchoate right is attached. The justice, as well as necessity for this measure, will become apparent when we remember that much of the land is mountainous, and rapidly becoming valueless by the cutting and removing of the timber. The practical operation of this measure, it is estimated, would increase the revenue of the State twenty or thirty thousand dollars per annum.

Cognate to this subject, I beg to renew my suggestions of two years ago, with respect to taxing the proceeds of the mines. Aside from the necessities for additional revenue, it must be the earnest desire of all to secure equality and uniformity of taxation, not in the letter alone, but in the true spirit of the Constitutional provision. And with respect to the mining interest, it must be the hope and purpose of all, to make the burden bear equally, as nearly as may be, upon the different localities of the State. That neither of these results are accomplished, under existing laws, must be apparent to all who have given the subject the most casual attention. In my second Biennial Message, I had occasion to say, and now repeat, that "the establishment by legislative enactment of any definate sum as the cost of working, to be deducted from the gross yield, as a means of determining the value of the ore at the dump, has been found equally impracticable and unjust. Distance from the source of supplies,

and consequent increased cost of material, higher freights and higher wages in some localities than in others, as well as the infinite variety of ores, methods and facilities for working and transporting, make it impossible to establish any fixed sum justly and equally applicable to all the mining districts of the State. Whilst eighteen dollars per ton for ores worked by any process without roasting, and forty dollars per ton for ores worked by roasting process, may in some localities be found to more than cover the actual cost, in other locations these sums would be found wholly inadequate." The truth of what is here stated cannot be questioned. That the present law operates with unjust inequality upon the people is plain. Let us not hesitate, then, to secure that uniformity and equality contemplated by the Constitution, by establishing, as nearly as may be, an impartial method of ascertaining the value of ores at the mine.

I would suggest that the revenue law be so amended as to tax ores at their actual value when they first reach the surface—this value to be ascertained by deducting from the gross yield the actual cost of transporting and reducing; the tax to be collected quarterly as under the present law. The Assessor to fix the value, aided by the sworn statements of Superintendents, or others legally in charge of mills and mines. This, it is believed, will work injustice to no interest, or locality, and will, with other sources, produce sufficient revenue to meet the necessities of the State.

THE STATE PRISON.

With a view to both efficiency and economy, I recommend radical changes in the management of the State Prison.

The Constitution submits the general management of the Prison to the Governor, Secretary of State, and Attorney-General—constituting the Board of Prison Commissioners. The statutes make the Lieutenant-Governor Warden, and as such the executive and disbursing officer of the Prison—vesting in him the power to appoint all help, and have (under the Commissioners) the superintendence of the business of the Prison and the prison labor. Thus, two independent powers are acting in respect to the same subject, neither having sufficient authority to accomplish results without the concurrence of the other. It will be at once conceded that to insure successful management, the Commissioners should have power to enforce their orders with respect to the management of the institution. So long as those in immediate charge, as officers and guards, are in no manner dependent upon the Commissioners in their employment or retention, but little regard will be paid to their authority. Nothing but confusion can result from a system which deprives the responsible management of the right to choose its own agents, and terminate by dismissal the employment of unworthy, inefficient or corrupt subordinates. The authority to act, and responsibility for action, should be united in the same body. That this end may be attained, I recommend the repeal of section six of the Act of 1865, making the Lieutenant-Governor Warden of the Prison, and the substitution of a section authorizing the Board to appoint all officers in immediate charge.

It has been suggested that the power does not rest with the Legislature to repeal the law, so as to withhold from that officer his salary for the current term. But this opinion, it is believed, is not founded in law. The office of Lieutenant-Governor is not enumerated among the inhibited officers in section nine of article fifteen of the Constitution, and the office

of Warden is purely a legislative office. In Crossman *vs.* Nightingill, the Supreme Court held the office of Warden distinct from that of Lieutenant-Governor, as well in regard to its duties as pay. Being a Legislative office, it may be terminated at the option of the Legislature. Not being an office, the salary or compensation of which is fixed by the fundamental law, it does not fall within the Constitutional inhibition with respect to increasing or diminishing the salary during the term.

It is believed that the services of a thoroughly capable and responsible person can be secured to perform the duties of Warden for $1,800 a year. Thus would be saved to the State, in the matter of salary alone, the sum $1,200 per annum, or $4,800 per term.

It is doubtless necessary that the Warden should reside at the Prison, but in that case it is important that he should be an unmarried man. Aside from all considerations of economy, the prison is not a fit home for a family. Convicts are neither fit servants nor associates. Women and children should be removed from scenes of degradation and suffering. Besides, the buildings and yards are so small, and arrangements are necessarily so imperfect, as to render the presence of females both an inconvenience and annoyance—an absolute injury to the public service.

Is it possible the Legislature intended to make the Prison a home for the Warden and his family; providing furniture, food and servants at the expense of the State, thus making the Penitentiary a family residence rather than a prison? If so, I trust it will be disavowed by an emphatic provision, forbidding the occupancy of any part of the Prison as a family residence. This, it is believed, will save the State at least five thousand dollars per year, or twenty thousand per term, and in all respects further the objects of the law, and the original designs of the institution.

The Prison is a fruitful source of perplexity and expense. How to remove the one and limit the other consistent with humanity and the public safety, is matter of deep solicitude. A well regulated Prison should combine the ideas of utility, security and reform. The convicts should be divided into classes, according to age, term of service, and incorrigibility, and taught some mechanical pursuit, the most feasible and useful under the circumstances; partly that when liberated they may be able to earn an honest livelihood; partly that exercise may preserve health, and employment withdraw the mind from schemes of revenge and plans of escape; but, *chiefly*, that by their labor they may contribute somewhat to their own support.

Hitherto no trades have been taught except, perhaps, the cutting of stone, and from this source but little revenue has resulted to the State. Under existing laws and circumstances, the present management has found it impracticable to construct shops, or to put the prisoners to useful employment. In the future it is believed other pursuits may be introduced, with safety and profit. Experience demonstrates that convict labor can be operated to the best advantage by private persons under contract. It is also believed the prison labor could be contracted to enterprising and reliable parties, for a reasonable time, upon terms highly favorable to the State, and greatly beneficial to the prisoners. This practice has long prevailed in sister States, with satisfactory results.

It is further believed that supplies for the Prison can and will be furnished by private persons, under contract, upon terms greatly advantageous to the State. I have information that capable and trustworthy individuals will enter into bond, with sureties to be approved by the proper authorities, to keep, feed and clothe the prisoners at one half

the present cost per man. This, it is estimated, will result in an economy of nearly or quite twenty thousand dollars per year.

REDUCTION OF REPRESENTATION, AND APPORTIONMENT OF SENATORS AND ASSEMBLYMEN.

In previous Messages I recommended that the aggregate number of Senators and Assemblymen be reduced, and apportioned according to the number of inhabitants, as contemplated by Section 13, Article 15, of the Constitution. Thus far the action had has resulted in increasing rather than diminishing the number. The aggregate membership necessary to compose the Legislature, in view both of economy and efficiency, should not, in my opinion, exceed thirty-six—twelve Senators and twenty-four Assemblymen. This would be nearly one representative to each one thousand inhabitants; a ratio nearly five times greater than prevails in California, and quite twenty times greater than in the great State of Ohio! Certainly our interests are not so diversified, or necessities for legislation so urgent, as to demand more than one representative for each thousand of population.

The experience of all ages demonstrates the inexpediency, not to say folly, of making the office of State legislator one of profit rather than honor. To reduce the pay and elevate and dignify the office, should be our chief purpose. Pay should be a mere secondary consideration, and in no case should be sufficient to make the office desirable for that reason alone. Eight dollars per diem for sixty days may be sufficient to excite the competing efforts of idlers, but no man of established business, and sufficient capacity to enact laws, would think of coming to the Capital for the pecuniary consideration alone. I therefore recommend that you amend the laws fixing the per diem and mileage of Legislators, so that the per diem shall not exceed five dollars, and the mileage twenty cents per mile, which, it is believed, will be ample to pay all proper and necessary expenses incident to the session. And that you reduce the pay of employés proportionately.

The Legislature is at present composed of twenty-three Senators and forty-six Assemblymen, having by requirement of law twenty-five employés, entailing upon the State for each session of sixty days the following expenses:

For per diem of Legislators	$33,120
For mileage of same, about	10,000
For per diem of employés	11,340
For stationery, postage, etc.	4,140
Making a total of	$58,600

It may not be unprofitable to consider the effect upon the finances of the State to result from the adoption of the recommendations above made:

For a session of sixty days the pay of thirty-six legislators, at $5 per day, would be	$10,800
Mileage (approximately)	5,500
Pay of employés	3,900
Stationery, postage, etc.	2,160
Making a total of	$22,360

Showing a retrenchment of fully thirty-six thousand dollars per session. So great an economy as this, accomplished not only without detriment to the public service, but really to the promotion of the public good, should engage your early and most serious attention.

There is yet another view of this subject which I desire to press upon your consideration. The existing apportionment is grossly unequal and radically wrong, and nothing but the most inexcusable partiality can permit it to stand.

Under a Constitution which, pursuing a long established and wise principle, requires representation to be based upon actual population, Esmeralda County, with a population of 1,553, has six Legislators in the two branches, while Lincoln County, with a population of 2,185, has only two, and Storey, with a population of 11,373, has sixteen.

This gross inequality, extending to every county in the State, has long attracted my attention, and I trust may at once arrest yours. What the Constitution requires, your constituents may reasonably hope will be performed. The people of the several counties have not, as they are entitled, their equal voice in determining the policy of the State.

The number of employés should be reduced, at any rate; especially so if the representation be. Twenty-five employés to thirty-six legislators is surely more than the necessities of the Legislature demand.

LEGISLATIVE FUNDS.

In providing money for your immediate necessities I trust you will *not* follow the precedent adopted by the Legislature of 1869, in the passage of an Act to create Legislative funds. Among other things the Act referred to provides for the issuance and delivery to the Sergeant-at-Arms of the Assembly of a warrant for five thousand dollars, and to the Sergeant-at-Arms of the Senate of a warrant for four thousand dollars, each bearing interest at fifteen per cent. per annum. All claims for indebtedness arising under the Act were expressly withdrawn from the consideration of the Board of Examiners, and the amounts authorized were to be disbursed by the Sergeants-at-Arms, as directed by resolution of the Senate or Assembly, in payment for Legislative incidental and current expenses. The Act likewise provided for the issuance of interest bearing warrants to Senators and Assemblymen, and employés, in payment for their per diem and mileage. Section 21, Article 5, of the Constitution provides that "the Board of Examiners shall have power to examine all claims against the State. * * * And no claim against the State shall be passed upon by the Legislature without having been considered and acted upon by said Board." The act in question directs the Sergeants-at-Arms to pay claims against the State upon resolution merely, and expressly exempts such claims from the operation of the Constitutional provision, as well as from the several Acts defining the duties of the Controller and the Treasurer in respect to the custody and disbursement of the public revenues—duties which are in their nature fundamental as well as Constitutional.

It is difficult to conceive propositions more directly repugnant than that affirmed by the Constitution and that denied by the Act. A measure which, by its terms suspends the operation of a Constitutional provision, cannot be less than void, unless, indeed, that instrument be subordinate to the Legislative will. No amount of sophistry can obscure, and no multiplication of words or force of reason illuminate, this proposition.

The twenty-eighth section of the fourth article of the Constitution declares that "the compensation of members and attachés shall not be increased * * * during the term for which they shall have been elected, and no money shall be drawn from the treasury as such compensation except as fixed by law, previously enacted."

The per diem and mileage of members, and the compensation of attachés, are fixed by law now in force, and cannot therefore be increased or diminished, so as to affect the present term. The manner of payment, that is to say, by Controller's warrants on the Treasury, is also fixed, as well by the spirit of the Constitution as the letter of the statute. The purpose of this Constitutional inhibition is perfectly manifest. It was not designed merely to embarrass members and attachés with respect to their pay, but to protect the public treasury against the payment of sums in excess of those established by law; to induce economy and prevent the imposition of additional burdens upon the people.

The Constitution declares that the people shall pay you eight dollars per diem for your services, and no more. If by any means, direct or indirect, you compel the payment of a greater sum, no matter what you denominate the excess, whether compensation or interest, you commit a flagrant infraction of the fundamental law. The argument that the Constitution is not violated because the warrants will not sell for *more than eight dollars in gold*, notwithstanding the additional sum ultimately paid by the State, is so absurd and puerile as to be unworthy of mention. You cannot, by words of mere circumlocution and evasion, overturn the plain intendment of the paramount law. If you should enact that for every sixty days delay the State should double your compensation, you would be made ridiculous by the simplicity of the evasion. And yet this would not be a more flagrant assumption of power than the issuance of interest-bearing warrants in payment for your services. If you may impose upon the people the payment of *one farthing* more than the sum specially named in the Constitution, you may impose any sum whatever.

But the great danger to be apprehended is in the extension of the principle to other cases, inflicting greater burdens, and therefore greater perils, on the people. The inconsiderable sum paid for interest on Legislative scrip will not seriously affect the finances of the State, or perceptibly increase the rate of taxation. But the principle once recognized, the precedent once firmly established, we shall not be long in extending it to all the liabilities of the State. We shall soon come to see that if it be proper that the warrants of a Senator or an Assemblyman bear interest, it is likewise proper that the warrants of other public servants should bear a like rate of interest. And, finally, the lash of outraged justice and violated self-respect, will sting us into treating others as we treat ourselves, when we shall extend the principle to all claimants whatever against the State.

Nor have we yet attained the most fatal consequences of this pernicious measure. Having reached the prescribed limit of our bonded debt, pressed by onerous taxation and a depleted Treasury, we hasten from present ills to future perils; direct the issuance and sale of warrants bearing enormous rates of interest; multiply our liabilities; destroy our credit, and riot in extravagance, unfelt and uncorrected, because the day of payment is perhaps postponed beyond our generation. Thus by substituting interest-bearing warrants for interest-bearing bonds, we completely circumvent the Constitutional provision limiting our indebtedness to $300,000, and entail upon the people all the frightful evils so industriously

sought to be prevented by the framers of that instrument. I trust that for the respect we entertain for economy, and for the duty we owe to our constituents, we will not follow nor sanction the dangerous, impolitic and unconstitutional precedent established by the Legislature of 1869.

APPROPRIATIONS OF REVENUE.

Heretofore measures of great importance, among them appropriations of the revenue, have been deferred until near the close of the session, leaving insufficient time for that considerate action so indispensable to wise legislation, and rendering it imperative to pass and approve the bills introduced, or leave the State Government without funds to defray its civil expenses. In matters of such grave importance it would be well to act early in the session, as well that the members may proceed with proper understanding and due deliberation, as that the objections of the Executive may prevail, if well taken, or the measure pass notwithstanding his objections if the objections are insufficient or unsatisfactory.

FISCAL YEAR.

Under the Constitution the fiscal year closes on the 31st of December of each year, and the Legislature convenes on the first Monday in January biennially. The time intervening is not sufficient to enable the Controller and Treasurer to make their reports, and the Governor to examine and consider them with respect to the information and recommendations they contain. This difficulty has been the cause of frequent mention and serious and well-founded complaint. I trust you will take steps to secure its removal by a proposed amendment to the Constitution, changing the fiscal year so that it will terminate at least thirty days prior to the first Monday in January.

EQUALIZATION OF PROPERTY.

Much difficulty is experienced, and much unjust inequality results, particularly in those counties through which the Central Pacific Railroad passes, from the diversity of opinion entertained by Assessors and Equalization Boards, with respect to the value of property for the purpose of taxation.

In some cases the road is at the mercy of persons entertaining prejudices and false opinions, with respect to the valuation of property of this exceptional character, while in others the public revenues suffer through the inefficiency of officers. In Washoe County the road is valued at $14,000 per mile by the Assessor, while in some other counties it is valued at only $6,000. Wherever the truth may be, it is apparent from this inequality that injustice is worked, either to the State or to the Company. Furthermore, in some of the counties property of all kinds is taxed at its actual market value, in others much below its value. In Ormsby County improved arable land is taxed about twenty dollars per acre, while in Washoe County, land of equal value in the market is taxed at ten dollars per acre only. This inequality results legitimately from two causes: *First*, the greater necessities for revenue for county purposes in some counties than others; and, *Secondly*, from the greater quantity of property from which revenue can be drawn. Thus, in the case put, we have the farmer in Ormsby County contributing for State purposes

double the tax, in proportion to his wealth, contributed by the farmer in Washoe.

That these defects may be cured and these inequalities removed, as far as possible, I recommend the creation of a "State Board of Equalization," composed of the Governor, Controller, Treasurer, Secretary of State and Attorney-General, whose duty it shall be to inquire into the manner in which the Assessors and Collectors of revenue perform their duties; to make diligent examination as to whether the assessments made are equal and uniform, and to equalize such assessments by adding to or deducting from the assessed valuation of taxable property such percentage as will produce relatively equal and uniform valuation between the several counties of the State.

STATE LAND LAW.

The State Land Law, so called, is ambiguous and expensive. The process of obtaining final title from the United States, and of alienation by the State, should be simplified and cheapened. Perhaps one fourth of the gross sum realized from sales, since the passage of the Act of April 2d, 1867, has been absorbed by salaries and other expenses incident to selection and sale of lands, and unless arrested this proportion will increase until the entire School Fund will disappear.

I recommend the amendment of the Act so as to require, so far as practicable, the immediate selection of all lands granted to the State, limiting the quantity to be taken in any case by an individual or corporation; classifying and establishing a price for State lands, and providing thoroughly for the preservation of timber against trespass, from the time of selection until sold by the State.

STATE SCHOOL FUND.

I have already had occasion to mention the loss to the State occasioned by the defalcation of the late State Treasurer, Eben Rhoades. I regret to say that abont $30,000 of this sum belonged to the Irreducible School Fund. Although judgment has been obtained against the sureties of the defaulting Treasurer, when and what sum will be ultimately realized is as yet extremely problematical. Section 8, Article XI., of the Constitution, makes it your duty to cause to be replaced any sum of money which may, in any manner, or for any cause, be improperly diverted or withdrawn from the School Fund. And I trust this injunction, coupled with the necessities of the schools, and the great interest you must necessarily feel in the cause of popular education, will insure your prompt action.

SECURITY OF PUBLIC FUNDS.

Some additional safeguards are necessary to be thrown around the Treasury, with respect to the custody and safe keeping of the public funds. Some unwise laws ought to be repealed, and other just provisions adopted. The Act of 1869, authorizing the State Treasurer to deposit the public funds in the banks, should be instantly repealed.

It should be made a felony for any person to loan or advance money to the Treasurer, for the purpose of being counted by the Board of Examiners officially.

The money specially deposited for the selection and purchase of lands,

should be required kept in the Treasury, and subject to the surveillance of the Board of Examiners.

The Controller should be made the custodian of revenue stamps, with authority to deliver to the Treasurer only upon his final receipt—charging, at the time of delivery, that officer with the cash value of all stamps delivered.

The power to call in funds from the County Treasurers in advance of semi-annual settlements, should be carefully guarded; among other particulars by requiring County Treasurers to transmit statements of amounts to the Controller of State, and requiring that officer to enter the same on the books of his office.

Severe penalties should be denounced against the failure to make and enter upon the records of the office, the monthly settlements required by law.

These are among the more important suggestions occurring to my mind, and I trust the whole subject will, at an early day, undergo your careful revision.

CLAIMS FOR LEGAL SERVICES.

Messrs. Britton & Gray have been acting as attorneys for this State, in Washington City, during the last three and a half years, under employment by the original Board of Regents. Their services were secured with the understanding that payment therefor was contingent upon appropriation by the Legislature, to be thereafter made. Stating to the last, as I now do to the present Legislature, that their services had proved valuable to the State, I recommended that an equable compensation be made to them from the State Treasury. From some cause the matter was not acted upon during that session. Information as to the services rendered may be obtained from the former Board of Regents, and from the office of the State Surveyor-General. I earnestly hope the injustice of delay in this matter may no longer prevail.

In this connection I beg to mention the claim of Adrian C. Ellis, Esq., for professional services in the Rhoades Bond Case. Mr. Ellis was engaged with the belief that the great importance of the case would fully justify his employment. I am assured by the Attorney-General, and take pleasure in testifying, that Mr. Ellis rendered important and valuable aid, both in the preparation and trial of the cause, and that the fee charged by him is reasonable. It will be necessary to make an appropriation for its payment.

TOLL ROADS.

A franchise, or a right to take toll, is a special privilege conferred by the Government on individuals, and which does not belong to the citizens of the county generally, of common right. It is the vesting of a part of the general sovereignty in an individual, or association of individuals, rarely resorted to, and never rightfully, except when the necessity is urgent, and the public benefit manifest and great. In this State we seem to have reversed the rule, and to have granted the privilege, not when the public necessity particularly required it, but when the private advantage was considerable and importunate. Our motive in the past would seem to have been rather to enrich individuals than to benefit the community. I believe the records of no civilized State disclose such

reckless, inconsiderate and unwise grants of power, or so little consideration returned for the enormous and unprecedented rates of toll authorized to be taken.

The framers of the Constitution sought to cut up the evil by the roots, by providing that "the Legislature shall pass no special Act in any manner relating to corporate powers." But the wise purpose and excellent intentions of the Convention have been circumvented, and the apprehended evils precipitated, by the criminal looseness of the general franchise law of March 8, 1865.

To acquire the right to take toll—to exercise a privilege exclusive from the general public—the citizen (or, for that matter, the foreigner) has only to certify, acknowledge and have properly recorded his declaration of intentions to construct and maintain a toll road, erect his gate and establish his rates of toll, when he may lawfully levy contributions upon the traveling public, in amounts limited only by his conscience and bulletin board. The Act protects the public in no particular whatever. It does not define the width or character of the road—whether to be graded, macadamized or otherwise; what rates of toll shall be taken, or, indeed, anything calculated to facilitate travel or protect the traveler from extortion.

At present but few of the roads have been made, and but few of these are kept in repair; and in most cases the rates of toll are extortionate and oppressive. In some cases tolls are exacted without color of right. In every instance the people are the sufferers. The abuse is flagrant, and strongly appeals to us for correction. I trust the law will be so amended as to particularly specify the character of road to be made, and limit the rates of toll to be charged, punishing with severe penalties persons exacting tolls without authority of law.

STATE CLAIMS AGAINST THE GENERAL GOVERNMENT.

By joint resolution of the Legislature of 1867, I was requested to have prepared and forwarded to the Senators and Representatives of this State in Congress a statement of claims against the General Government for expenditures made by the late Territory of Nevada, in providing extra pay for volunteers in the service of the Union during the late war. I complied with this resolution in January, 1868. I was soon thereafter notified that the statement reached Washington City and was laid before the Senate Committee on Claims. In April, 1869, pursuant to joint resolution of the session of that year, I again communicated with our representatives at Washington on this subject, to which communication I have received no reply.

These claims are justly due the State, and I trust you will again press them upon the attention of Congress.

The aggregate amount is $195,807 95.

LOSSES BY INDIANS.

On the 5th day of April, 1870, I forwarded to our Senators and Representative in Congress the reported claims of losses of citizens of Humboldt county by Indians in 1867 and 1868, as transmitted to me by Commissioners appointed by the Act of January 30, 1869. I am not informed that anything has been done by Congress tending to their final adjustment.

REGISTRY LAW.

I have heretofore had occasion to direct attention to defects in the registry law, and to recommend amendments thereto. I again call attention to the fact that the law does not define "residence" with sufficient precision. The matter is left entirely to the conscience of the voter and the unaided discretion of the registry agent. Grave abuses result. The opinion has become very generally prevalent that the choice of the elector, to be exercised at the instant of registration, is all that is required to fix a new or change an established residence. Acting on this belief, many persons register and vote in precincts in which they have no established abode, but in which they are for temporary purposes merely. These defects permit, indeed encourage, what is commonly known as the "colonization" of voters—a most reprehensible practice, subversive of both the fairness and purity of elections. I suggest an amendment fully and particularly defining "residence," and declaring how it may be acquired and in what circumstances it shall be deemed lost. That place where a person's habitation is fixed, and to which, when absent, he intends to return, should in all cases be considered his residence, and removal to another State, county or precinct, without the present intention to return, should be held to terminate residence in this State, or in the county or precinct from which the removal takes place. No residence should be acquired without actual habitancy, united with a present and fixed intention to remain.

I also renew my recommendation to repeal that portion of the registry law requiring the payment of poll tax as a prerequisite to registration. This requirement is not in keeping with the genius of our institutions. Perhaps the highest prerogative of an American citizen is the elective franchise. It is the bulwark of civil and religious liberty—the potent influence by which oppression is vanquished and universal, civil and political equality established and maintained. The right to vote should never depend upon the citizen's ability to pay money. It should not be bartered for gold by the State. It should never be conferred because the elector is rich, or withheld because he is poor. By far the most serious objection to this provision is the advantage taken of it by unscrupulous politicians to influence electors and corrupt elections. In a majority of cases the tax is not drawn from the voter, but from a fund contributed by candidates and persons holding office, dependent upon party success. The elector is provided with the poll tax receipt often upon the express, always upon the express or implied, agreement that he will aid by his vote the party or candidate in whose behalf the tax receipt is delivered. Too much cannot be said in condemnation of this practice; nor can the provision which leads to it be too soon repealed. It were better the public coffers remain forever empty than filled with the price of bribery. It were better that men never vote than that they vote corruptly.

BRIBERY.

Existing laws prescribe no penalty against bribing electors. The statement of this defect would seem alone sufficient to insure its speedy correction. Yet repeated mention has thus far failed of practical result. Tolerated, if not encouraged, by the silence of the law, this appalling vice has become so common as to threaten most ruinous consequences.

It should be the constant aim of a free and enlightened people, whose

prosperity and greatness alike depend upon the judicious exercise of the elective franchise, to diligently preserve the purity of the ballot and vigilantly assert the independence of the voter. It is only upon the theory of the intelligence, independence and honesty of the elector that elective government can ever hope for permanent success. Without these, bribery may accomplish the elevation of the worst and most incapable men and the establishment of the most vicious and oppressive measures. It is mortifying to believe, and humiliating to say, that at the late election hundreds of voters were openly bought with money. To such an extent is this nefarious practice carried that men of moderate fortunes are excluded from the political field from lack of means to pay assessments for party purposes; whilst the more conscientious shrink with abhorence from a contest which can be won only by dishonor. It has already come to pass that no office of high honor or great profit can be obtained without the expenditure of money immeasurably beyond the means of those in moderate circumstances. If by our folly we encourage the depraved, exclude the poor and repel the virtuous, we must expect weak and unprincipled rulers, unjust and oppressive laws. It is a matter of the gravest solicitude that men possessing neither capability nor integrity secure preferment through the influence of money. It is scarcely credible, yet I am reliably informed that nearly or quite $100,000 was expended to corruptly influence electors in the late election. It is, perhaps, impossible to entirely uproot this evil; but it may be greatly circumscribed. Let it once be declared a felony to give or take a bribe, and hundreds will shrink from it through sense of honor, and other hundreds through terror of the law. Make the penalty imprisonment and disfranchisement to offer or take a bribe, and the purity of the ballot is to a great extent insured. Thus, measurably at least, will we be able to restore the elective privilege to that dignity, independence and importance contemplated by our fathers, and so indispensable to the existence and perpetuity of republican institutions.

GAMBLING.

At the last session of the Legislature an Act was passed to legalize gaming. It met my prompt and unqualified disapproval; and in my Message accompanying its return I presented with earnestness the reasons which impelled my action. I now call that measure to your attention and recommend its repeal.

The State is the guardian not less of the morals than of the life and liberty of the citizen. Public policy demands the enactment and enforcement of laws restraining every vice and punishing every crime, not merely in the spirit of vindictiveness, but for the nobler purposes of example and reform. Whatever corrupts the moral or undermines the physical man—whatever breeds idleness, superinduces excesses, or unfits us for the duties of life, inflicts an injury upon society, and should be suppressed by the State. A law which legalizes a pursuit leading to such consequences as these is false to the best interests of humanity, is a blot and stain upon the State, and should be expunged from the statute book.

Gambling inflames the passions. It heats the mind like a furnace, and consumes it like a flame. It destroys all taste for ordinary pursuits. It unfits its victim for the ordinary duties of life, because no ordinary duty has that stimulus, that absorbing interest, which results from the staking of large sums of money on the throw of the dice. The reckless

and resistless passion it excites is exemplified in the fact that enlighten men sometimes stake their goods and hopes upon the turn of a card. invites and incites to drink, and almost universally leads to intemp ance. It induces dishonesty, because it has no law, and because success depends more upon tricks and deception than on judgment a fair dealing. To decoy the young and entrap the unsuspecting, a mercilessly fleece them of their money, is a nightly occurrence in t dens of infamy and rapacity where this vice is practised. So univer and irresistible is the conviction that gambling leads to dishonesty, th no man of business character will employ in any place of confidence trust a known gambler, or retain in his employment a person habitua addicted to play.

Shall this vice, the prolific source of every crime—bringing in its tra all the monstrous and corrupting evils that scandalize religion and d moralize society—be not only tolerated, but encouraged and legalized our midst? Shall we say to our youth that this, which has met the co demnation of all christian communities, is no longer forbidden, but dignified and made honorable by the State? Shall we encourage men follow the downward course to ruin and sin, or shall we remove tl temptation and arrest their footsteps before the vortex of destruction reached? It may be impossible to entirely prevent gambling. So is impossible to prevent murder, but both may be restrained. But howev this may be, in the name of that home impoverished and made desola by gaming; in the name of that soul blackened and blasted by its infl ence; in the name of that Saviour whose garments were gambled awa at the foot of the cross, I protest against its legalization.

Everywhere, in every direction, the government puts forth its stron arm to beat down and strangle crime and protect society from its con taminating influences. Everywhere Christianity puts the seal of its con demnation upon vice, and solemnly warns us of its consequences.

I know that this law is in conflict with the spirit of religion and moral and the genius of republican institutions. It is prejudicial to the interest of the State, repugnant to public policy, and void for that reason.

Section twenty-four, article four, of the Constitution, provides tha "no lotteries shall be authorized by the State, nor shall the sale of lotter tickets be allowed." It is remarkable that in a State, the *Constitution* o which prohibits lotteries—the least harmless species of gaming—*the statutes* should permit and sanction faro, the most dangerous.

I believe that if the present law were repealed, and penalties of fine and disfranchisement were denounced against all games of chance, the evil would be at once measurably suppressed, and in time entirely disappear.

OBSERVANCE OF THE SABBATH.

I congratulate you, and the people, upon the salutary effects and important results of the Act of 1869, prohibiting the selling or giving away of intoxicating liquors on the day of any general or municipal election; among the more prominent of which are that sobriety, peace and quiet, so necessary to an intelligent and free exercise of suffrage. It would be gratifying, indeed, if this prohibitory law could be extended to the christian Sabbath. Few civilized States permit the desecration of that holy day by the general sale of intoxicating drinks—none without bringing scandal upon religion, and inflicting serious injury upon society.

The performance of secular labor on the Sabbath day should be discouraged, as a matter of the plainest public policy. The setting apart of the Sabbath as a day of rest and religious observance, is among the first and most essential ordinations of society. The earliest dawn of civilization witnessed its observance, and universal humanity attests the wisdom and utility of the establishment.

"Remember the Sabbath Day to keep it holy." * * * "For in six days God created the heavens and the earth, and rested on the seventh day"—the seventh, therefore, let us consecrate as a day of rest from our labors, that by the renewal of our physical and spiritual strength we may be the better prepared to encounter and triumph over the trials of life and the perils of sin.

Let us not forget that pecuniary gain is not the sole requisite of human happiness. Physical rest and moral culture are not less indispensable in this, to say nothing of the life to come.

CONCLUSION.

In concluding this Message I cannot forbear to impress upon you the importance of cherishing the public credit, avoiding the accumulation of debt, and of instituting retrenchment and invoking economy and reform. The peculiar circumstances of this country—the expensive administration of the government, coupled with our limited sources of revenue, make the observance of these suggestions an almost imperative necessity. Retrench and economize as we may, our necessities are still great, inflicting heavy burdens of taxation on the people. Enforce with rigid exaction the rule of equality and uniformity of taxation, fostering no interest to the injury of others, discriminating against no class or section. This wise, just and prudential course may, for a time, provoke the assaults of peculiar interests, but an enlightened public sentiment will sanction and applaud your action.

In taking final official leave of the Legislature and the people, I beg to return my profound acknowledgments for the great honor twice conferred in calling me to the chief executive office of the commonwealth—an honor I shall ever remember with gratitude and pride. Claiming no qualifications superior to other men, I trust it will not be considered presumptuous to say that throughout the six years of my official career, I have been actuated by pure motives and good intentions in all my public acts. That always with fidelity, and sometimes with effective purpose, I have labored to advance the prosperity of the State and general good of the people. Doubtless I have sometimes erred, but never willingly or with evil intent. In my term many things have been done which did not meet my approval, and many have been left undone which I earnestly desired, and honestly believed would produce beneficial results. Some of these I have in this Message pressed upon your attention. In this I have been actuated by no spirit of acrimony, or pride of opinion, but by an honest and sincere conviction of the justice and expediency of the measures. I trust and believe that in this spirit my recommendations will be received and considered by you.

H. G. BLASDEL.

PARDONS GRANTED.

Pursuant to the requirements of the thirteenth Section of the fifth Article of the Constitution, I report the following as the pardons granted during the years 1869 and 1870:

Ah Yet—Convicted of grand larceny, in the District Court of Storey County, on the 11th day of May, 1869. Sentenced to one year; pardoned July 17th, 1869, on the grounds of good conduct while in prison, and grave doubts, as represented to the Board of Pardons, of his actual guilt—being convicted on the evidence of Chinese alone.

Sam Sing—Convicted with Ah Yet for the same offense. Sentenced at the same time, and pardoned at same time, for like causes.

Benjamin Foster—Convicted of grand larceny, in the District Court of Washoe County, on the — day of May, 1869, and sentenced to five years. Pardoned on the first of September, 1869, on the grounds of his extreme youth, his previous good character, good behavior in prison, supposed sufficiency of punishment, and his pardon was numerously asked by highly respectable citizens of California and of this State.

G. W. Newcomb—Convicted of forgery, in the District Court of Storey County, on the 9th of July, 1868. Sentenced to two years; pardoned March 2d, 1870, on the grounds of previous good character, good conduct in prison, and believed worthy of being restored to citizenship. His term would have expired the next day.

John B. Gilham—Convicted of murder in the second degree, on the 24th of December, 1864, in the District Court of Lander County, and sentenced to imprisonment for life. Pardoned May 28th, 1870, on the grounds of good conduct during his entire imprisonment, supposed sufficiency of punishment, and because, owing to his bad and rapidly declining health, it was believed longer confinement would soon end in his death. His pardon was numerously petitioned for.

James Rhodes—Convicted of assault with intent to commit murder, in the District Court of Lander County, on the 17th day of August, 1869. Sentenced to one year. Pardoned May 28th, 1870, on the grounds of good conduct in prison, and evident purpose to become a good citizen.

N. L. Squaires—Convicted of arson, in the District Court of Ormsby County, on the 29th of December, 1865. Sentenced to nine years; pardoned September 26th, 1870, on the grounds of exemplary conduct during his entire imprisonment, evident purpose of reformation, and fast failing health. His pardon was numerously asked and urged by good citizens of the State.

Henry R. Eagan—Convicted on the 29th of June, 1870, in the District Court of White Pine County, of assault and battery. Sentenced to pay a fine of five hundred dollars and costs, amounting to five hundred dollars more, and to lie in the jail of said county until the same should be paid. Pardoned, and fine and costs remitted, on the 26th of September, 1870, on the grounds of his pecuniary inability to pay the fine and costs; his punishment seemingly too great, and his great youth, and suffering in jail, from inflammatory rheumatism. His pardon was asked by the Judge who sentenced him, and many other prominent citizens of the county of White Pine.

William M. Watkins—Convicted on the 26th day of December, 1865, in the District Court of Lander County, of murder in the second degree. Sentenced to twenty years; pardoned on the 10th of October, 1870, on the ground that his offense, under the evidence furnished to the Board by the Judge who tried him, was probably manslaughter; his previous good character; his good conduct while in prison, and evident purpose to be a good citizen. His pardon was solicited by the Judge who sentenced him, and by many other good citizens of the State.

John Derrickson—Convicted on the 9th of September, 1869, in the District Court of Storey County, of assault with a deadly weapon, with

intent to do great bodily harm to another. Sentenced to eighteen months; pardoned on the 7th of December, 1870, on the grounds of previous good character, good conduct while in prison, and evident intention to be a good citizen. Pardon numerously asked for.

John Stout—Convicted at the same time, for the same offense. Was sentenced at and for the same time as John Derrickson, and was pardoned at the same time, for similar reasons.

John Bray—Convicted on the 5th of February, 1870, in the District Court of Storey County, of manslaughter. Sentenced for five years; pardoned on the 14th of December, 1870, on the grounds of previous good character, exemplary deportment in prison, evidence of his intention to become a good and law-abiding citizen; and that his pardon was strongly urged by many prominent citizens of Storey County, well acquainted with him, and the circumstances of his offense.

John McGinnis—Convicted on the 25th of February, 1870, in the District Court of Washoe County, of assault with a deadly weapon, with intent to do great bodily injury. Sentenced to pay a fine of $1,000 in gold coin, and lie in jail of said county until said fine be paid, at the rate of one day for every two dollars. Pardoned, and fine remitted, December 28th, 1870, on the grounds of mitigating circumstance of his offence, inability to pay the fine in money, and sufficiency of punishment. His pardon and remission of fine were asked by the Judge who sentenced him, and many other prominent officers and citizens of Washoe County.

H. G. BLASDEL.