

APPENDIX

TO

Journals of Senate and Assembly

OF THE

TWELFTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA.



CARSON CITY, NEV.:

STATE PRINTING OFFICE, : : : J. C. HARLOW, SUPERINTENDENT.
1885.

FIRST BIENNIAL MESSAGE

OF HIS EXCELLENCY.

GOVERNOR J. W. ADAMS

TO THE

Nevada Legislature, Twelfth Session, 1885.

MESSAGE.

EXECUTIVE DEPARTMENT, GOVERNOR'S OFFICE,
CARSON CITY, Nevada, January 5, 1885. }

GENTLEMEN OF THE LEGISLATURE :

You are assembled as the co-ordinate branch of our State Government, to enact such laws as in your judgment may be deemed wise and for the best interest of the people you have the honor to represent.

The Constitution makes it my duty to communicate to you by message information of the affairs of the State, and to recommend such measures as I deem expedient.

In obedience to this requirement, I have the honor to herewith communicate to you such information, and my opinion of measures which seem to me necessary for the prosperity of the State, and the welfare and happiness of its inhabitants.

CONSTITUTIONAL CONVENTION.

The last session of the Legislature submitted to the electors the question of calling a convention to revise our Constitution. The vote against the proposition was so large that it must be accepted as the will of the people that amendments to the present Constitution must be made through the Legislature, if made at all.

Your attention is therefore called to the fact that five amendments were favorably passed upon by the last session, which will come before you for your consideration. If you adopt any of them, it will be necessary for you to provide the mode of submitting the same to a vote of the people for their approval or rejection.

The first amendment changes the time of the assembling of the Legislature from the first Monday in January, to the first Monday in February.

The second amendment requires naturalization six months before the election; a residence of one year in the State, instead of six months, and a residence of ninety days in the county, instead of thirty, as necessary qualifications for an elector.

The third amendment changes the mode of amending the Constitution by requiring the vote of but one instead of two sessions of the Legislature to submit the question to the people, and by making two-thirds of each house, instead of a bare majority, necessary to submit to the people such amendment.

The fourth and fifth amendments pertain to the mode of investing our school funds. Under our present Constitution, the school money derived from the sale of lands and other sources can be invested in United States and Nevada State bonds only. As the interest on an investment in United States bonds is only three per cent. per annum, it was thought by the last session of the Legislature best to extend the class of bonds in which school moneys could be invested. It seems, however, they could not agree upon any one plan, and therefore adopted two amendments for your consideration, one of which you will doubtless submit to the people and reject the other.

One of these amendments directs that the school moneys shall be invested "in United States bonds or bonds of this State, or the bonds of such other State or States as may be selected by the Boards authorized by law to make such investments." The other amendment provides that the school moneys may be invested "in United States bonds, the bonds of this State or such other State bonds or other securities as may be authorized by law."

The advantages accruing from the adoption of one of these amendments, will readily suggest themselves to your minds. While for individual investment, United States bonds may afford an inviting field, because such bonds are free from taxation, this reason has no force when the investment is made by the State, which of course would not have to pay taxes on any bonds it might hold.

Hence, whatever amount of interest over three per cent. per year could be secured by investing in other than United States bonds, would be that much clear gain to the School Fund, and would be at once available for the support of our common schools. I therefore earnestly renew my recommendation to the last session, that one of these amendments be adopted and submitted to the people for their ratification.

I call your attention to the fact that there is no law pointing out the mode of publishing amendments proposed to the Constitution, and ask that you provide for the same.

Whilst on this subject I desire to invite your attention to a matter of no small interest to the school children of this State. Under our present system of land sales the purchaser is required to pay, on application, twenty per cent. of the price of the land. After the selection is made and a clear list is granted to the State by the Federal Government, the purchaser is required to enter into a contract with the State to pay for the land in nine annual payments, with interest at the rate of ten per cent. per annum. The investment by the State of the money from these sales cannot at present exceed three per cent. per annum, and even if our Constitution is amended, as contemplated, the interest will probably not be more than five per cent. In view of these facts, I recommend that the law be so amended that the purchaser of our public lands, after paying the twenty per cent. now required on application—and say three annual payments—be permitted to defer the other payments indefinitely; provided, he pays promptly the annual interest thereon; and, provided further, that a failure to pay such interest shall work a forfeiture of his right of purchase, as well as the money already paid, as is now the case, on his failure to make his annual payments.

As an additional inducement for the purchaser to defer the payments, I would suggest that the interest be reduced to six or seven per cent. per annum, and that the number of annual payments be increased from nine to ten. This change in the law will afford our schools a much greater income from this source than is now possible by investment in United States bonds, and in many instances will be an accommodation to the purchaser.

Of course it is not contemplated to deprive the purchaser of the right to pay up in full at any time, and receive his patent.

CONSOLIDATION OF STATE AND COUNTY OFFICES.

The convention that framed our Constitution no doubt believed that our State would become one of the richest and most populous, as it is one of the largest in area, in the Union. It is not surprising, then, that we find a system of State Government much too cumbersome for our present wants, and requiring an annual expenditure entirely out of proportion to our taxable resources.

I simply give expression to the general demand of popular sentiment throughout the State, when I recommend that our Constitution be so amended as to reduce the number of State officers, and thereby economize in State expenditures. Nor is there less need of the consolidations of county than of State offices. The whole amount of taxes levied for the support of the State Government for the year

1883, including Orphans' Home, Deaf, Dumb and Blind, State Prison, Insane Asylum, salaries of officers, and all incidentals, was in round numbers, \$249,000, while the amount levied for conducting the fourteen county governments for the same year was \$614,000. Besides this, the counties have all the revenue from county licenses, three-fourths from gaming licenses, and one-half of the poll tax. This shows that if you desire to enter upon a system of true retrenchment you must look chiefly to your county governments as the field for legislation. Much can be done by statute law in the cause of economy, but there is much that can be effected only by amending the Constitution. Among the statutory measures that will most effectually economize county expenditures, is the consolidation of Judicial Districts. The small amount of litigation in civil suits and the reduced number of criminal cases before our courts can be efficiently attended to by four District Judges. We now have seven districts, in which the salaries aggregate \$85,100, being an average of \$5,014 to each Judge. Hence, if we allow to each district the present average salary, there would be saved to the counties \$15,042 per year, and that without any injury to the public service.

JURY SYSTEM.

With a view of rendering the duties of District Judges less burdensome, and aid in the dispatch of criminal cases, which at present occupy most of the time of our District Courts, but chiefly to aid in the prompt execution of our criminal laws, I recommend that you amend our Constitution so that nine jurors be authorized in criminal, the same as is now the case in civil causes, to find a verdict. This will prevent many mistrials.

We know that it too often happens, in criminal prosecutions, that the power of money, or other influences, control one or two jurors and prevent the finding of a verdict. A second or third trial is but the repetition of the first, and the prosecuting officer, being convinced that against such influences a conviction is improbable, consents to the dismissal of the case. The adoption of the amendment suggested would in a great measure reduce the power of money to enable criminals to escape justice, would place the rich and the poor on a more equal footing and greatly reduce the expenses of criminal prosecutions by rendering a verdict more certain.

COUNTY GOVERNMENTS.

Closely connected with this subject is that of county governments

Under the present laws—mostly enacted at the last session—we find one county (Ormsby) governed by the general salary law that has been in force for four years, but now repealed except as to this county; two counties (Washoe and Esmeralda) acting under a special salary law; five counties (Storey, Eureka, Elko, Humboldt and Lander) acting under the law usually known as the Foley Fee Bill, and the other six counties are governed by the old fee bill Act that was in force before the passage of the salary law.

Certainly a more uniform system of county governments ought to prevail throughout the State, and I recommend such action on your part as will do no injustice to any county, yet will bring our county governments more in harmony with each other and accord nearer to the spirit of our Constitution.

In one of the laws above referred to, it is provided that "no fees shall be allowed to grand or trial jurors in criminal cases." The same law gives trial jurors in civil cases \$8 per day. Why this difference? I admit I do not comprehend the reason therefor. Certainly a citizen's time is as valuable to him when trying a criminal as a civil case. And to my mind it is equally certain that the public cannot demand a citizen's property or services without just compensation. Often criminal trials last for weeks, and is it just to ask a laboring man, whose family is probably dependent upon his daily wages for support, to devote his time to the public service without compensation, when his children may not have the necessities of life? A juror so situated would not likely be long in finding a verdict, without much regard as to what that verdict might be. Good men, whose labor is necessary to their family's support, would shun jury duty, and thus give criminals a better chance to escape justice.

TERM OF COUNTY OFFICERS.

In his biennial message to the Legislature in 1877, Governor Bradley said: "I respectfully submit to the judgment of the Legislature the propriety of extending the term of county officers, to be hereafter elected, to four years. We will then elect all of the State and county officers at the same time, and when National politics will not distract our minds from important local issues. By extending the term the occupants thereof can well afford to accept less compensation for their services." I very heartily renew this recommendation as the reasons for its adoption, owing to the depressed condition of our leading industrial interest are much greater to-day than eight years ago. The people are becoming justly tired of the excitement

of frequent elections, and we all know that the biennial contest for county officers always interferes injuriously with business.

ELECTION OF U. S. SENATORS.

I now approach a subject that has commanded the attention of thoughtful men for many years. I refer to the best mode of electing United States Senators. At the time of the adoption of our Federal Constitution, it was no doubt the expectation of its founders that members of the Legislature, as well as members of the Presidential Electoral College, would be chosen by the voters without regard to the special choice of any citizen for Senator or President.

Owing to the formation of political parties, the system contemplated by our fathers has been totally changed in practice. Presidential electors are now chosen on account of their well-known pledge to support a particular candidate already nominated by a National Convention, and members of the Legislature are too often elected solely on account of their devotion to the political aspirations of some candidate for United States Senator.

In two out of every three elections in each State having biennial sessions of the Legislature, this is the case, and the main feature in our Legislative contests is whether this man or that shall be elected United States Senator; and, thus, all the economical questions affecting the true interests of the State are almost wholly ignored and subjected to the Senatorial aspirations of some citizen.

For these reasons, and many others that will suggest themselves to your minds, I recommend that you memorialize Congress to so amend our Federal Constitution as to submit to the direct vote of the electors in each State the choice of United States Senator.

DELINQUENT TAXES.

Under our present revenue laws the cost of collecting delinquent taxes are out of all proportion to the amount of the tax itself. This is an unnecessary hardship on the negligent citizen, and can be avoided without injury to the State and to the advantage of such citizen. A very simple remedy is to authorize the proper officer to levy upon, advertise and sell any property on which the tax is delinquent, and thereby avoid the cost and delay of a lawsuit. Such is the law in some States, and its justice, both to the delinquent and the public, is clear. Of course such delinquent should be afforded every facility to recover, at the least possible cost, any tax that had been illegally assessed against him.

DRUMMER LAW.

Advantage has been taken of a supposed defect in what is generally known as the drummer law, passed at the last session, of selling a great variety of goods, and from various firms, under one license. It seems to have been the intention of the Legislature to require a license for each class of goods sold, and this should be made plain by an amendment to the law. As an additional security for the prompt collection of this license, the law should be so amended as to prohibit the collection by law of any debt for goods sold by a party without a license.

BOARD OF COUNTY COMMISSIONERS.

In some of the counties the law has been so construed that a majority of the Board of County Commissioners cannot transact any business unless there is a full Board in existence. As the Board with present county populations, uniformly consists of three members, and as it takes the concurrence of two of them to effect any business, it suggests itself to me that the law should be so amended as to allow a majority of the Board to transact all business whether the Board is full or not.

ASSESSING MORTGAGES.

Under the laws of this State, as interpreted by the Supreme Court, the resident holder of a mortgage must be assessed for taxes, the value of the mortgage, but a non-resident may hold any amount of mortgages in this State without paying any tax thereon.

With a view of equalizing this burden on our citizens, the Legislature passed a law exempting mortgages held by residents from taxation, but the Supreme Court, in the case of the State against the Carson Savings Bank, decided this law unconstitutional. The only remedy I see that will place all parties on an equal footing, is to pass a law taxing all mortgages whether held by residents or non-residents.

NOTARIES PUBLIC.

The last session of the Legislature enacted a law declaring that certain county officers should not exercise the functions of a Notary Public.

At the time of the passage of this law, many of these county officers had paid the State the usual fee for their commissions as Notaries. Would it not be an act of simple justice to repay this fee to all

Notaries who were legislated out of office by the Act referred to? The amount to be determined by the proportion of time each had been deprived of the benefits of his office.

BOARD OF HEALTH.

In anticipation of the fact that cholera may visit our country during the present or next year, I have been requested by the National Board of Health to call your attention to the fact and ask that you create a State Board of Health, with authority to co-operate with the National Board in its efforts to prevent the visitation of this scourge, or at least to mitigate its ravages. I will be happy to approve of any bill which you may adopt to assist the National Board in this praiseworthy object.

RAILROAD COMPANIES.

No subject will come up before you this session of more importance than that of the State's relation to the railroads.

The bill to regulate commerce among the States, generally known as the Rengan bill, is now pending before both Houses of Congress. From several test votes there is little doubt about its passing the House of Representatives. This bill, if it becomes a law, will confer the greatest benefits on the people of this State that they have ever experienced from any legislation, National or State, since our admission into the Union.

At many sessions of the Legislature Congress has been memorialized in favor of this bill. I ask that you again take such decisive action as will leave no doubt in the minds of our Senators as to the wishes of the people of this State on this all-important subject. But the passage of the Rengan bill would only affect fares and freights on persons and property passing into and out of this State, leaving our local business still at the mercy of the Central Pacific and other railroad companies.

In Poor's Railroad Manual for 1884, page 888, it will be seen that the Central Pacific Company state that their average rate per mile for fares is 2 73-100 cents, and for freights the average is 1 91-100 cents per mile.

We know they charge in this State, and always have charged, within a fraction of eight cents per mile for fares and on our domestic products, taken from one point to another within the State, the freight is usually ten cents, and often double that.

The whole policy of the Central Pacific Company seems to have

been to crush out all agricultural and other industries of this State, which might supply the wants of our people or might deprive them of the profits of bringing such supplies from other States.

As State legislation is as much a necessity for the protection of our people and the encouragement of local industries as Congressional legislation, I respectfully and earnestly renew my recommendation to the last Legislature to pass a law reducing freights and fares at least thirty per cent. on the amount charged on the first day of January last past. This, in my opinion, is not as great a reduction as should be made, but it will be a step in the right direction, and we can afford to leave to our successors in office the finishing of the good work. Although this company's property was constructed almost wholly by means and credits furnished by the people, and it has been permitted to exact the most oppressive rates out of the people and business of this State, yet it persistently refuses to be assessed for taxes beyond a mere nominal valuation of its property.

The State Board of Equalization in California has assessed the road and rolling stock of this company at \$88,812 95 per mile of main track; while in Nevada many of the County Assessors and Boards of County Commissioners have placed the assessment at little over one-fourth of this amount, ten thousand dollars per mile being the assessment on more than half the road in this State. In Washoe county the assessment is \$16,000 per mile. It has been sustained by the Board of Equalization and promptly paid by the company. I know no good reason why the assessment in every other county should not be at least equal to that in Washoe. The necessity of some power, different from that now in force, to assess the property of this company is apparent, and I therefore renew the recommendation of all my predecessors, that a law be passed creating a State Board of Equalization, clothed with such powers as will afford a remedy for under valuation of all kinds of property. Such a board has been found to work well in our sister State of California, and I am not aware of any reason why it should not work equally well in Nevada. Composed of three or five State officers, the cost would be nominal, as under our Constitution the Legislature can impose additional duties on them without compensation.

The Controller's report will show that there has been a falling off in the aggregate assessment of the taxable property of the State of over one million, three hundred and fifty thousand dollars for the year just passed, as compared with the previous year. It is the opinion of the Controller, Mr. Hallock, that unless a more efficient mode of assessment is inaugurated by this session of the Legislature,

the State will not be able to meet her expenses many years longer at the present rate of taxation.

I hope, therefore, you will not permit this session to expire till you have placed upon the Statute books laws that will assure a full and fair assessment of all property according to the intent of the framers of the Constitution.

HOME FOR VETERANS.

Some public-spirited citizens of California have, at great trouble and expense, established a home for disabled and indigent veterans of the Mexican war and those of our late civil war. These patriotic gentlemen have been greatly hindered in their noble work for want of sufficient funds to carry out their plans. They, however, have succeeded in purchasing several hundred acres of good land and erecting some necessary buildings. It is their intention, as I have been informed, to present all their property to the United States Government whenever it will accept the gift and agree to carry out the objects for which the property was purchased. We have in our midst many old soldiers whose age and infirmities prevent them from earning a living, and who have not been fortunate in laying up the means to meet their present wants. California has generously appropriated the sum of \$150 per annum to the Veterans' Home for each of its citizens cared for by that institution.

Would it not be both patriotic and economical on our part to pass a law allowing a similar sum for each of our resident veterans whose condition may entitle them to the benefits of the Home, and who may be received and cared for by it?

My information is that the Home was established for the benefit of all the Pacific States and Territories, and that the management will accept veterans from any of them, and provide for them the comforts of a good home if the necessary funds are afforded. Of course the appropriation should cease whenever the General Government takes charge of the property and supplies the means of conducting it, or whenever, from any cause, the Home becomes self-sustaining.

COST OF COLLECTING REVENUE.

The State's portion of the expense of collecting the general revenue is much greater than it should be, and legislation is necessary to justly equalize the same between the State and counties.

The Controller places the cost of collection to the State at eleven per cent. This is certainly excessive. Nor is there any uniformity

in the percentage paid. For instance, while in Lincoln county the cost of collecting is over thirty-eight per cent. of the net revenue paid into the State treasury, in Humboldt county the cost is only ten per cent., yet in the latter county the State pays to the County Treasurer, simply for his trouble in collecting in his office and paying over the State's part of the revenue, \$1,166 55—being \$166 50 more than his entire annual salary. Thus for the small service performed by this officer to the State, his county receives not only his entire salary, but a large bonus besides. There is no justice in this, as each county should bear its just proportion in the collection of the revenue.

COINAGE OF SILVER.

Some ten days since I received an invitation from a committee of citizens of Colorado, interested in the production of silver, asking me to appoint delegates to a National Convention to be held at Denver on the 28th of the present month.

The gentlemen composing this committee represent the leading producers of silver in nineteen counties of that State. I deem the subject of sufficient importance to justify me in calling your special attention to it, and to invite you to take such action as you may consider best to have the State of Nevada properly represented in said Convention.

The silver producers of our State feel justly alarmed at the unexpected hostility lately manifested toward our leading industry and are solicitous that prompt action should be taken to prevent, if possible, farther degradation of silver as money, and prevent the repeal of the law authorizing the coinage of not less than two millions of dollars per month.

In his late annual message to Congress, President Arthur recommends that the coinage of silver be stopped. The Secretary of the Treasury makes a like recommendation in his annual report. Bills have been introduced in both Houses of Congress to carry out their recommendations.

I ask that no time be lost in memorializing Congress against the adoption of this unfriendly legislation.

Had it not been for the injustice done us by the Federal Government we would have the same right of coinage for our silver that we have for our gold.

Having deprived us of a portion of our right of coinage, the Government now proposes to degrade silver to an equality with the base metals by denying it all value as money. The mere recommenda-

tion contained in the President's message reduced the market price of silver over three cents per ounce. Should Congress unfortunately pass a law in response to that recommendation, its effect would be most disastrous to the leading interest of our State, and would probably result in shutting down many mines, not only here, but also in Colorado, Utah, Arizona, New Mexico, Idaho and Montana.

The terrible blow would not be felt by the miners and mine-owners only, but the thousands of farmers, laborers and transport companies, who are employed in furnishing supplies of various kinds to those engaged in mining, would be shut off from a market and widespread ruin would supplant fair prosperity in two States and five Territories.

I know I can rely on your patriotism and sense of justice to do whatever is in your power to prevent the accomplishment of the wrong that now threatens our greatest industry.

There is no doubt about our having the co-operation of all the silver-producing States and Territories in our efforts to secure the welfare and protection of our constituents.

The Convention at Denver is the first step towards bringing together the representatives of our threatened interests, and may result in such an expression of popular sentiment in the States and Territories engaged in silver mining as not only to defeat the unjust and pernicious legislation recommended by the President, but may result finally in restoring to us our equal right of coinage of both gold and silver.

Should Congress not indulge in any further unfriendly legislation, and, in fact, reject that which is now pending, we would have reason to hope that the present efforts to develop mines would be encouraged and greatly increased, and we could reasonably anticipate the revival, at any early day, of our mining industries, and as a consequence, the restoration of general prosperity which we know is dependent in this State on successful mining.

LIVE STOCK INTEREST.

Next in importance to our silver mining interest comes the live stock interest—especially the raising of cattle. Nevada has the distinction of possessing some of the finest cattle ranges in the world. The many nutritious grasses (notably the bunch grass), which grow on the mountain side, afford excellent pasturage for Summer, while many varieties of sagebrush, which grow everywhere on the desert plains and rolling hills, especially the white sage, serves as excellent Winter food, being considered by many far superior in strength and

nutrition to any of the grasses. Except in Nevada, and other portions of the Great Basin, there is no other country where the grasses possess the property of curing themselves unaided by the assistance of man. Nor is there any other State in which (owing to the luxuriant growth of white sage), cattle can be wintered as cheaply as in Nevada. From information derived from some of the great stock owners the average loss of cattle does not exceed five per cent. per annum.

The advance in the price of stock and beef cattle during the past four years has made stock raising the most profitable of investments.

Much money has been expended by our more enterprising breeders in importing superior stock for the purpose of improving the grade of cattle. While the improvement has been marked in giving greater size and weight, it has been found that the improved cattle are not less admirably adapted to our varied and extensive ranges. Nevada is depended on largely by San Francisco and other California cities for their supply of beef, and there is but little doubt that a permanent market will be found there at remunerative rates for whatever surplus Nevada can spare. It is to be hoped that the same prosperity which attends this business may soon be felt in all industries in our State.

CONCLUSION.

As no State officer has yet finished his report of the transactions of his department for the year just ended, it is impossible for me to enter into detail as to the expenditures of the State Government for the last two years, but enough is known to justify the conclusion that the present administration has been the most economical, all things considered, since the adoption of our Constitution.

I would like to devote some remarks in detail to the condition of our public schools, to State finances and the sale of public lands, but it is impossible to procure the necessary information, as the reports of the Superintendent of Public Instruction, the State Controller and the Surveyor General cannot be completed in time for this message. Nothing can show more forcibly than the above statement the wisdom of adopting at this session, and submitting to the people for their approval, that amendment of the Constitution which defers the meeting of the Legislature till the first Monday in February.

The gradual reduction of the assessed valuation of our taxable property for the last seven years, as will be shown by the Controller's report for 1884, should admonish us that the good work of avoiding

unnecessary expenditures, and the practice of the most rigid economy will alone enable us to continue an efficient administration of public affairs without resorting to a higher rate of taxation than is now authorized by law. I may add that the assessment roll of 1884 foots up less than any year since 1872.

To your judgment and prudence the people of the State have confided the task of devising and enacting all legislation for the public good. In obedience to law, I have made such recommendations as in my judgment the duties of my office demanded of me.

I hope these recommendations will meet with your approval and become a part of our laws, and that at the end of the session each of you may return to your homes to receive the congratulations of your respective constituencies for a faithful execution of the important trusts confided to your hands.

J. W. ADAMS,

Governor.