

APPENDIX

TO

# Journals of Senate and Assembly

OF THE

FOURTEENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA,

1889.



CARSON CITY, NEV.:

STATE PRINTING OFFICE, - - J. C. HARLOW, SUPERINTENDENT.

1889.

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SECOND BIENNIAL MESSAGE

OF HIS EXCELLENCY

GOVERNOR C. C. STEVENSON,

TO THE LEGISLATURE, FOURTEENTH SESSION.

# GOVERNOR'S MESSAGE.

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STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
CARSON CITY, Nev., January 7, 1889. }

*Gentlemen of the Legislature:* Two years more, with their events of good and evil, have passed to the keeping of history, and this efflux of time has brought the period when, under constitutional provision, you, as the law making department of the State Government, are assembled and organized for discharge of your exalted duties.

To some extent it is devolved upon the Chief Executive officer of the State to take part in the making of the laws necessary for the carrying on of the government, and the prosperity and happiness of the people. Therefore, during your session our intercourse must, of necessity, be close and constant; let us all endeavor to make it most pleasant and profitable. At the threshold of these grave obligations it is becoming that we reverently acknowledge the beneficence of Providence to us during the last two years; for though our material prosperity has not been as great as we have desired, and as under former conditions it would have been, still we have been highly favored in our comparative freedom from disease, and in that we have not been visited by pestilence, nor by those desolating, sudden operations of natural forces, which have in many other States spread death and destruction in their pathway. The fields of our husbandmen have responded well to their toil, and the stalls of our herdsmen have not been depleted by those ravenous diseases which have made such devastation elsewhere. Labor has been better rewarded than in almost any other part of the Union. Our mines still send forth the money metals in ready obedience to the combined bidding of labor and capital. And we are greatly encouraged in view of the future by the fact that there is reasonable probability that silver will, at an early day, be fully remonetized, allowed free coinage, and assume its

rightful place side by side and hand in hand with gold in the metallic circulating medium of the Union ; and the United States Mint in our State be reopened for coinage, thereby becoming again a medium of convenience to bullion producers and a source of revenue to the General Government. If these things shall come to pass, attended by the inauguration of a wise and economic system of impounding the waters which now run to waste in the State and applying them to the purposes of judicious irrigation and motive power, we may reasonably congratulate ourselves upon the near approach of a season of prosperity unprecedented in our history. To aid in bringing about such results wise and sound legislation is needed, which you are expected to attend to, and doubtless are willing to give to it your undivided attention and best energies, as well as to sanction and encourage the action of Congress, recently inaugurated, upon the question of water storage and irrigation.

I congratulate you upon the auspices attending your coming together, and assure you that all I can do, shall be done to render our intercourse mutually satisfactory, and our action an honor to ourselves, a lasting benefit to our Commonwealth.

#### STATE FINANCES.

It is proper that I call your attention first to the financial transactions of the State during the last two fiscal years, and to its condition in that respect.

The total debt of the State, December 31, 1886, was \$143,244 11. To meet this there was then in the treasury \$226,732 65, which extinguished this debt and left a balance of \$83,488 54 ; but this indebtedness does not include the indebtedness of the late Territory of Nevada, assumed by the State, as set forth in the Constitution. That is now in the shape of a bond, given by the State to its Irreducible School Fund, for the sum of \$380,000, bearing 5 per cent. per annum interest.

On December 31, 1887, the debt was \$182,077 56, and there was then in the treasury \$199,309 57, which extinguished this debt and left a balance of \$17,232 01 above all indebtedness exclusive of the above-named Irredeemable School Fund bond.

On December 31, 1888 the debt was as follows :

Four per cent. Insane Asylum Bonds of October, 1881.....	\$44,000 00
Four per cent. State Loan Bonds of October, 1881.....	68,000 00
Four per cent. State Loan Bonds of October, 1887.....	22,000 00
Accrued interest.....	12,180 00
Outstanding warrants.....	9,631 00
Deficiency claims.....	20,003 37
Total debt, exclusive as above.....	\$175,815 10
Cash in treasury to meet debt.....	270,948 87
Balance.....	\$95,128 77

## TRANSACTIONS OF THE STATE TREASURY FOR 1887-8.

Balance, cash in treasury January 1, 1887.....	\$447,800 81
Bonds in treasury January 1, 1887.....	793,000 00
<b>Total.....</b>	<b>\$1,240,800 81</b>
Actual receipts into treasury from all sources.....	\$855,256 60
Purchase of State bonds.....	75,000 00
<b>Total receipts.....</b>	<b>\$930,256 60</b>
<b>Grand total.....</b>	<b>\$2,171,056 91</b>
<i>Actual Disbursements.</i>	
Cash.....	\$661,528 70
Cash on hand December 31, 1888.....	641,521 21
<b>Total.....</b>	<b>\$1,303,049 91</b>
State bonds redeemed.....	\$54,000 00
Balance State bonds in treasury December 31, 1888.....	814,000 00
<b>Total.....</b>	<b>\$868,000 00</b>

The balance on hand December 31, 1888, is distributed, cash and bonds, as follows :

<i>Cash.</i>	
General Fund.....	\$204,748 84
State School Fund.....	803,210 12
General School Fund.....	19,856 50
State Interest and Sinking Fund.....	25,048 99
Territorial Interest Fund.....	21,184 85
Insane Interest and Sinking Fund.....	7,890 92
State Library Fund.....	246 88
State Indigent Insane Fund.....	274 00
University Fund, 90,000-Acre Grant.....	44,513 64
Interest Account, 90,000-Acre Grant.....	1,822 82
State University Fund.....	11,859 26
Contingent University Fund.....	1,449 92
District Judges Salary Fund.....	581 97
<b>Total.....</b>	<b>\$641,528 21</b>
<i>Bonds.</i>	
State School Fund.....	\$749,000 00
University Fund, 90,000-Acre Grant.....	43,000 00
State University Fund.....	22,000 00
<b>Total.....</b>	<b>\$814,000 00</b>

From the foregoing figures it is apparent that on December 31, 1886, the State debt, exclusive of the Territorial debt, then in the shape of a State bond for \$380,000 payable to the Irreducible School Fund, was \$143,244 11; but that the cash then on hand and applicable to its payment extinguished the debt and left still cash on hand \$33,488 54.

That on December 31, 1887, the State debt, exclusive as aforesaid, was \$182,077 56; but that the cash then on hand and applicable to its

payment extinguished the debt and left still cash on hand \$17,232 01.

And that on December 31, 1888, the State debt, exclusive as aforesaid, was \$175,815 10 ; but that the cash then on hand and applicable to its payment extinguished the debt and left still cash on hand \$85,497 04.

Thus it is seen that at the beginning of the current fiscal year the State is out of debt, except what it owes to its Irreducible School Fund and State University Funds in the shape of State bonds, aggregating \$514,000, the interest on which is apportioned semi-annually to the public schools of the State, less the interest on \$15,000, which is apportioned to the University Funds for defrayal of current expenses.

Of the total receipts during the last two fiscal years, \$20,203 44 was received from the General Government, of which \$19,681 92 was on account of reimbursement for moneys paid on war tax, war of the rebellion, and \$521 52 was on account of the 5 per cent. on proceeds of sales of public lands, specified in the Enabling Act of Congress of March 21, 1864. The balance of the total receipts during those two years was derived from direct taxation, and other sources of revenue within the State under the revenue laws.

Had the State not received the above-named sum of \$19,681 92 from the General Government, it would have fallen behind about \$7,000 during those two years. But this is not discouraging, when it is remembered that, under the decision of the Supreme Court, in *ex parte Rosenblatt*, 19 Nevada Reports, page 439, the State has been deprived of the revenue that would have been derived from what was familiarly called the "Drummer License." Could this license have been enforced the revenue derived therefrom would have more than covered the falling off in total receipts.

If the legislation as to our revenue laws and the assessment of property, hereinafter recommended, be enacted, I am fully satisfied that you may safely reduce the State rate materially, and still obtain for the next two years all the revenue needed by the State to meet its requirements during that period.

Should I deem anything further under this head necessary, it will be communicated specially.

#### REVENUE LAWS AND ASSESSMENTS.

The manner of valuing property for the purpose of deriving public revenue has long been bad, and seems to be growing worse year by year. If any provision of our organic law is simple and comprehensible, and at the same time just in its requirements, it is Article X, which reads: "The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed, and also excepting such property as may be exempted by law

for municipal, educational, literary, scientific, religious or charitable purposes."

The provisions here quoted are mandatory; they cannot be reasonably construed, by revenue officers or by courts, as falling within the category of mere direction to the Legislature. A brief analysis of their meaning gives these conclusions: In order to obtain the necessary revenue to defray the expenses of carrying on the State and county governments direct taxation must be resorted to; to effect such direct taxation the property to be taxed must be assessed; the property to be assessed is *all* the property in the State, with the one exception made in positive terms in the Article quoted, and the others therein named, if so directed by law; the rate of such assessment and taxation must be equal and uniform; the valuation, on assessment, must be *just*; the valuation cannot be just unless *all* taxable property be assessed and valued alike; that is, at a just and honest estimate of its cash value in the market; and that the Legislature is not only directed to order that these provisions be carried out by all revenue officers, but is also invested with plenary power to fully and to the letter enforce such order.

The prevailing practice in assessing seems to imply that the constitutional requirement of "uniformity and equality," as well as "just valuation for taxation," may be ignored at pleasure; that the Assessor and Board of Equalization in County "A" may adopt and pursue the rule of valuation at fair market value, while those of County "B" adopt seventy-five per cent. of such value as their rule; and another county a still less per centum, and so on down until some are almost released from taxation, while others are overburdened and oppressed. Another great and growing evil arising from this vicious practice is this: It has reduced the aggregate value of the property assessed, and on the rolls of the different counties to less than fifty, probably less than thirty-three, per cent. of its fair cash value in the market, thereby causing the rates of taxation to be exorbitantly high. It may be said that a low rate of valuation and a high rate of taxation bring about the same result, as to revenue, as a higher rate of valuation and a lower rate of taxation. This may be true as the amount of money paid by a taxpayer, and the amount of public revenues obtained, but there are serious objections, for obvious reasons, to this mode of proceeding. First, it is a flagrant violation of constitutional requirement; second, if pursued it cannot be, at least is not, attended with uniformity in all the counties; and third, it misrepresents the actual value of the taxable property of the State, and its ability to raise the necessary revenue to defray the expenses of its own and the county governments, thus keeping immigration and capital out of the State.

The matter is a serious one, and demands your careful attention. Perhaps the existing evils may be eradicated by further amendment and supplement of the existing revenue laws; but in my judgment an entirely

new Act on the subject of revenue, repealing all existing ones, would better meet the emergency. The original State Act on this subject, approved March 9, 1865, has been amended and added to, in one way or another, some sixty odd times, and, like an old garment, is scarcely worth further patch-work.

And in this connection, I deem it my duty to suggest that, as a wise and efficient means of securing uniformity and equality in the valuation of property for purposes of taxation, a State Board of Equalization be created, with just powers, well defined.

It occurs to me that, if these matters receive from you that thoughtful and thorough attention merited by their importance, you may then reduce the rate of State taxation at least one-half, and the respective counties follow the example ; thus insuring common justice at home, and elevating our standing abroad, greatly to our honor and advantage.

#### IMPOUNDING WATER IRRIGATION.

In my message to the Thirteenth Legislature I had something to say upon the subject of irrigation. No definite action was taken, however, on the subject, by that body. The question is too grave to be passed over in silence. I will therefore specially call your attention to what was said in that message, and add some brief suggestions on this topic.

It may not be practicable for you, during the Fourteenth Session, to enact any beneficial *law* upon the question of impounding the waters which now go to waste, and which it is so desirable to save for irrigation and mechanical purposes. But you may be able to accomplish much good in this direction by *memorializing* Congress on the subject of making necessary appropriations to secure topographical and hydrographical surveys necessary to the judicious and economical impounding of water. I am glad to state that during the last session of Congress this matter was earnestly and ably discussed, and an appropriation of \$100,000 was secured ; but this is but an entering wedge, and Congress should, as early as may be, be ably and judiciously solicited to add to this appropriation such sums as may be requisite to complete the work begun. Such solicitation can be most conscientiously made by you, as well as by similar bodies of every State and Territory wherein irrigation is indispensable to agriculture and the proper care of grazing lands, because all money thus appropriated, if wisely expended, will, by reason of the increased settlement and more rapid and successful development of our country, be returned to the National Treasury, with most satisfying interest. But this would be an insignificant result compared to that of securing early, permanent settlement upon lands, now barren, then productive, the making of happy homes, and the blooming of the rose where now is seen the production of nothing useful, nor ornamental.



# **FEEES AND CHARGES IN SECRETARY OF STATE'S OFFICE.**

For certain official acts the Secretary of State is required by law to make prescribed charges, collect and pay the money into the State Treasury. Among the matters to be thus charged for, are: The attestation and delivery of commissions; the filing and recording of certified copies of articles of incorporation; and the making and certifying to copies of laws, and other documents on file or of record in his office.

It is frequently complained that these charges are, some wholly unjust, others exorbitant. The office of Notary Public was created for the accommodation of the people, and not with the expectation that any incumbent would amass wealth therefrom. The lack of such officer in sparsely populated settlements entails great expense and inconvenience at times on individuals.

Many corporations are formed, not for the purpose of trying even to acquire money or property, such as charitable, scientific, religious, educational, &c. And such corporations sometimes need certified copies of their articles to use in evidence.

State and county officers sometimes require, for public use, certified copies of laws, or other documents, in the keeping of the Secretary of State.

I recommend that the laws on these matters be so amended that, no charge to exceed five dollars be made for any commission, and that no charge therefor be made against an officer who receives no compensation for official service; that no charge be made for filing and recording certified copies of articles of incorporation, for such corporations as do not engage in acquiring, or endeavoring to acquire money or property, as the chief, or at least, one of the main objects, of its formation; that no charge be made against such corporations for certified copies of their articles of incorporation; and that no charge be made for certified copies of laws, or other documents, when required by officers for public use.

The charges made for filing and recording, and for certified copies of articles for corporations, other than those above specified, might be graded, according to amount of capital stock, as is the law in the State of Ohio.

## **IMMIGRATION.**

During the Thirteenth Session an "Act to provide for a State Immigration Bureau" was passed. Statutes of 1887, page 91.

The State officers therein named to constitute said Bureau organized at an early day after the approval of the Act. The Bureau has done some work; yet, from imperfections of the Act and lack of necessary information from others, as required by Section 6 of the Act, not much has been accomplished to the benefit of the State. The Act does not require any report from said Bureau. I suggest that, in order to remedy defects in the Act and secure efficiency so far as practicable of the Bureau, you call

upon its officers for a report, the same to embody such suggestions and recommendations as the Bureau may deem it necessary to make. This movement should not be abandoned, but pressed forward, as it can be made very beneficial to the State.

As cognate to this question of immigration, I advise that you urgently memorialize Congress on the subject of foreign immigration. While we need additions to our population, we have no desire, or beneficial use, for contract, pauper or criminal laborers from any foreign country; and unless we are under greater obligations to care for such than for our own people, native and naturalized, and the perpetuity of our Government and institutions, we will, through the strong agency of the General Government, stop all such immigration, if not before, at the very threshold of our domain. To preserve and improve our own, and all we hold most dear at home, is our first, most exalted and holy duty.

#### ARBOR DAY—FORESTRY.

In 1887 an Act was passed and approved, whereby "Arbor Day" was established. It was proclaimed by me in each of the last two years, and to some extent observed. But I am of the opinion that you can so amend that Act as to render the observance of Arbor Day more general and greatly beneficial, and that the encouragement of forest-growing is a measure demanding your thoughtful attention. The setting out, care and maturing of forest trees is desirable, not alone for the value and use of the timber products, but for the climatic and sanitary effects to ensue therefrom.

#### CENTENNIAL CELEBRATION OF THE FIRST INAUGURATION OF GEORGE WASHINGTON AS PRESIDENT OF THE UNITED STATES, APRIL 30, 1789.

During the last year I received numerous communications on this subject from the General Committee and its subordinates, having the management of arrangements, etc., for this grand celebration, to occur in the city and State of New York, on April 30, 1889.

The literary and other more imposing exercises incident to the occasion, will take place on the identical spot, on Wall street, whereon stood "The Father of his Country" when he took the constitutional oath of office as President—the first President—of the United States, under the Federal Constitution, then recently adopted. The pageantry will be grand, the occasion sublime beyond conception. I have been cordially invited to attend, accompanied by my military staff, and have been urged to appoint suitable commissioners from Nevada to be present and participate. The latest communication pressed the immediate appointment of one or more such commissioners in time for attendance and participation in a preliminary meeting to be held January 8, 1889, in the City

Hall, New York. Complying with that request, on the 24th ultimo, I appointed Hons. John P. Jones and W. M. Stewart as two commissioners for all purposes of the celebration, sent them certificates to that effect, and gave notice thereof to the proper authorities at New York, stating, also, to them that I would lay the matter before your honorable body and try to have arrangements made whereby to secure the proper representation of Nevada on that occasion.

On this and many similar occasions of application for the appointment of commissioners, I have not been justified in complying, because there were no public funds at command for such purposes, and none would go at their own expense and loss of time. But the celebration in question will not be repeated in our time, is one commanding profound consideration, and I feel that for the honor of Nevada and the reverence due from her liberty loving people to the memory of him who was "first in war, first in peace, and first in the hearts of his countrymen," we ought to be appropriately represented in those commemorative ceremonies, in that imposing pageant. I trust the matter to your earnest consideration and wise action.

#### PUNISHMENT OF JUVENILE OFFENDERS.

The fact that many under the age of majority have committed offenses subjecting them to trial and punishment is cause for profound regret and mortification. And when it is remembered that all such offenders, from the time of arrest until they end their punishment, are placed on the same basis of treatment with the old offender and graduate in crime, greater piognancy is given to that regret and mortification.

In such cases, in particular, punishment is not intended as example to others and satisfaction to the demands of penal laws alone, for its chief object is the reformation of the young offender, and his ultimate restoration to society, in such physical and moral condition as to be useful, not a destroyer—a moral leper.

If, in such cases, the offender were treated, in all respects and at all times, in such manner as to plainly show to him that there existed greater desire to reclaim and save him than to punish and be revenged upon him, many would not offend a second time. But when a youth has been overtaken in an unguarded moment by strong temptation, has committed a not very heinous offense, has been arrested and cast into jail among old, hardened offenders, then indicted, tried and convicted under the frowns and forsaken sympathy of former friends, and finally sentenced to the State Prison, there to associate with the most hardened class of men—graduates in crime, is it any wonder he concludes that "every man's hand is against him," and that henceforth "his hand shall be against every man?"

To save and reclaim such offenders, and restore them to society and usefulness is one of the noblest works that can engage the hearts, the

heads, and the funds of the statesman and philanthropist; the true value of which is not susceptible of estimation in dimes and dollars.

To accomplish this work separate and dissimilar punishment to that imposed upon old offenders, and in the State Prison, is imperatively demanded. If provided for it should be in connection with agriculture and other avenues of useful employment. I leave the matter in your hands.

#### **FIRE CORONERS.**

I am informed that in some of the older States laws have been enacted during the last few years providing for the election or appointment of Fire Coroners. The powers and duties which have been devolved on these officers are in case of the destruction or attempted destruction of property by fire when the cause or object of the fire is not plainly manifest, similar to those of ordinary Coroners in case of death from unknown cause.

To these duties might properly be added those of protecting rescued property from theft during the progress of a fire and until regained by its owners, with the power to summon and compel necessary assistance in so doing, and to arrest and detain for trial any person found to have stolen, in the act of stealing, or attempting to steal any such property.

It is said that the creation of this office, where the experiment has been fairly tried, has had the effect of decreasing incendiarism, protecting underwriters and preserving much valuable property from destruction in fraud of revenue laws. I commend the subject to your thoughtful consideration.

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### **STATE INSTITUTIONS.**

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For minute information concerning State institutions, the management during the last two years, their present condition, and future necessities, you are respectfully referred to the various reports of the officers, boards and commissions having supervision of them.

But I cannot feel that I have done my whole duty on this subject without speaking specially with reference to them.

#### **THE STATE PRISON.**

Under the able and efficient management of Warden McCullough this institution is in a very satisfactory condition. Generally, the inmates are satisfied with their treatment, which, while they are under-

going the penal servitude required by law, is humane and calculated to appeal to and strengthen their purposes of reformation, and return to useful pursuits and honorable life.

During Warden McCullough's administration he has freely and fully consulted the Board of State Prison Commissioners, evincing an earnest desire to adopt and pursue such policy as would best subserve the ends to be attained by the establishment of the institution, and the utmost cordiality has all the time existed between the Warden and the Board. Your especial attention is directed to the recommendations made in his recent report.

I am more than ever impressed with the propriety of so changing the laws, with respect to the management of the State Prison, that the Board of Commissioners shall appoint the Warden, for a term not to exceed four years, with the power to remove for good cause shown; the like power to be given in regard to all subordinate officers and employes, appointed by the Warden. This plan, I am convinced, would harmonize with the spirit of the Constitution, and greatly tend to secure the proper, economical and agreeable management of the prison and its affairs.

The apparently large deficit in the State Prison Fund, for the last two fiscal years, is accounted for by reason of the large expenditure therefrom, in making indispensable repairs in and about the premises. Not much expense, in this direction, will need to be incurred for some time to come. An entirely new tank is essential, which ought to be constructed on a larger scale, and of more enduring material. The old one is not susceptible of further useful repairs. Another matter, in connection with the institution, is deemed worthy of proper investigation, to-wit: the introduction upon the premises of electric light. If this can be done at not too great expense, it will very materially augment the security of both life and property, in and about the prison.

#### THE ASYLUM FOR THE INSANE

Demands some special notice. During the Thirteenth Session an Act was passed, approved February 4, 1887 (Statutes of 1887, page 89), "Creating a Board of Commissioners for the Care of the Indigent Insane of the State of Nevada," by which that duty is imposed on the Governor, State Controller and State Treasurer. The powers of the Board are defined in general, sections 1451-1456, General Statutes—Bailey & Hammond, pp. 411, 412, 413—bottom. Among other things, it is there provided as follows: "The Board of Commissioners, as named in this Act, shall have full power and exclusive control of and over all the grounds, buildings, property and inmates of the Asylum, and shall furnish, or cause to be furnished, all needful supplies, provisions and medicines for the care of the insane, and have charge of all other matters connected with the institution."

As soon as practicable after the creation of the present Board, as

above stated, the same was organized, entered upon duty, and officially visited and inspected the Asylum and all matters appertaining to it. The Board at once ascertained that the water supply at the Asylum and its grounds was entirely inadequate, and, as speedily as practicable, set about remedying the evil. Unfortunately, the efforts in this behalf have, so far, been but partially successful, having been greatly obstructed and retarded by litigation, instituted and prosecuted against the Board and its employes, to prevent them from diverting water from the Truckee River, at a point thereon, from which it could easily and in sufficient quantity be conveyed by flume to the Asylum and its grounds. This litigation has not yet reached a final adjudication.

In May, 1887, charges having been preferred, of a grave character, against Dr. Bishop, the Superintendent of the Asylum, the Board, after due notice to all parties in interest, repaired to the Asylum, heard all the evidence adduced, pro and con, and the arguments of able counsel on each side, and after due and careful deliberation acquitted the Doctor, the evidence in the opinion of the Board failing entirely to substantiate any charges made, or any specification thereunder, or to even cloud the fair name of the accused.

This trial, and the pending litigation above alluded to, have been sources of unexpected and great expense, which made heavy inroads on the last biennial appropriation for the care of the State's most unfortunate class of wards. It is hoped and believed that, in these respects, the future will prove more satisfactory.

#### THE ORPHANS' HOME.

This humane institution seems to have been well conducted, and to be in a praiseworthy condition. So far as I am advised, no well-founded complaint has been made against the management of the Superintendent and Matron. Your fostering care is demanded for the inmates, by the strongest considerations that appeal to the generous side of man's nature.

#### THE STATE UNIVERSITY.

Until 1885, this institution was located at Elko, Elko county. The placing of it there was a serious mistake, far removed as it was from the mass of those who would have attended it, had it been suitably situated. The relocation of it at Reno, Washoe county, was a wise act of the Twelfth Legislature. So far as buildings have been erected, for University purposes, at Reno, they are good and well adapted. The institution was opened for use by Faculty and students, at Reno, in March, 1886, under the Principalship of Professor McCammon, with such assistants as he needed, and continued in operation until the 25th day of March, 1887. During that time but few students were in attendance, and not much

progress was made, the main building being then in an unfinished condition.

The Thirteenth Legislature (1887) passed "An Act relating to the State University and matters properly connected therewith," approved February 7, 1887, page 42. In this Act, the Legislature provided (Section 2), that "the Governor, Secretary of State, and Superintendent of Public Instruction shall constitute the Board of Regents of the State University until the first day of January, A. D. 1889, and until their successors are elected and qualified." Their successors were elected at the general election, November 6, 1888, under further provisions of the same Act.

The Governor, Secretary of State and Superintendent of Public Instruction qualified immediately upon the approval of the above-named Act, organized the Board, and entered upon the discharge of their duties as Regents. For their action in relation to the completion of the main building, making other improvements, and securing a supply of water, you are referred to their official report to me.

The University was closed at the end of the current term, on March 25, 1887, until further ordered by the Board, in order that the above-named improvements might be made, and the Faculty arranged as required by said Act. These matters were completed, and the University again opened early in September, 1887, the services of Hon. Le Roy D. Brown, late Commissioner of Education for the State of Ohio, having in the meantime been secured as President.

It is, perhaps, necessary to the proper general understanding of facts, to state here, that no application was made for the Presidency of the University by any resident of Nevada, or, of any Pacific State or Territory.

When the institution resumed, under President Brown, only thirty-six students were in attendance. When it closed, December 20, 1888, for the holidays, there were on the rolls and in attendance, 115, not including the Training Class, in the Normal Department.

Judging from all reliable data and indications, I feel gratified to state that the institution has an efficient and devoted Faculty; is making great progress; and, with proper management, and the generous support of the Legislature, may be considered well established and on the highway to eminent success.

In order that it may continue its prosperity and usefulness, much needed improvement must be made, adding to the present accommodations, and creating new ones. To accomplish this, you will be called upon to appropriate a considerable amount of money, which I doubt not you will most cheerfully do, on understanding the facts and necessities in the premises.

By reason of the munificence of the General Government in the donation of public lands, added to and made effective by our Constitu-

tion, we have a magnificent fund for educational purposes, in both common schools and the State University. The spirit of liberality on the part of the General Government has recently been magnified. By a late Act of Congress \$15,000 per annum is appropriated to each State and Territory for the purpose of establishing and maintaining therein "An Agricultural Experiment Station," the object of which is "to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science." The General Government also, on proper showing and application, details an officer of the regular army to serve as President or Professor in a State University or College. This is done with an eye to granting special aid in particular to imparting instruction in military tactics. And the General Government also, on proper requisition and security for preservation and return, loans to State institutions wherein military tactics are taught such arms and accoutrements as are essential in imparting such instruction.

The Agricultural Experiment Station for Nevada has been established at and in connection with the State University. For 1888 it has received from the General Government \$15,000, and it promises to be of great benefit. On proper request by the Board of Regents to the Secretary of War, Captain A. C. Ducat, an officer of the regular army, was recently detailed to act as Professor, and especially as military instructor in the State University. He is now there on duty and appears to give entire satisfaction. And steps are being taken to obtain, at an early day, from the War Department, on loan, such arms, etc., as may be needed in the military department of the University. This institution is therefore in such good and progressive condition as to command the sympathy of all lovers of education, and the well-timed, judicious support of your honorable body.

#### STATE AND DISTRICT AGRICULTURAL SOCIETIES.

These organizations, now by statutory provision under State control, have made reasonable advance in usefulness during the last two years. In 1887 the State Board of Agriculture purchased a tract of land consisting of eighty acres near Reno, on the north side of the Truckee river, for the use of the State Agricultural Society, and caused the same to be improved to such extent that the Fair of 1888 was there held, and it was thereby demonstrated that the purchase and the change of locality were judicious. About the time of making the above-named purchase the Board purchased lots numbered eleven (11), twelve (12), and thirteen (13), in Range "W" in Reno, whereon is the pavilion used for Fair purposes. For the eighty acre tract the purchase price agreed upon was fourteen thousand (\$14,000) dollars, five thousand cash and nine thousand in March, 1889. For the three lots the purchase price agreed upon



was six thousand (\$6,000) dollars, two thousand cash and four thousand in March, 1889. For the payment of these deferred balances, amounting in the aggregate to thirteen thousand dollars, provision must be made by your honorable body. I doubt not that, upon investigation, you will be fully satisfied that the necessary appropriation should be made.

The State Board of Agriculture has, during the last two years, merited great credit for its good and efficient management of the property and affairs of the Society. Heavy expenses and large outlays have necessarily occurred; but it must be borne in mind that this institution is yet in its infancy, and that its calls for State aid are, therefore, more urgent and large than they probably will be after this session; for it is hopefully believed that the Society, with continued judicious management, may soon be self-sustaining, or approximately so. Be that as it may, the money expended by the State in this behalf has proved a paying investment, in that it has encouraged agricultural enterprise, created a just spirit of rivalry and praiseworthy emulation, and sowed sound seed, in good ground, which shall, in due season, return to the State Treasury, at all events, to our people, an hundred fold.

The district organizations, so far, have done well, have made considerable progress. These important adjuncts of the State institution should receive your watchful care and judicious aid.

The Act, Statutes of 1885, pages 79-80, providing for the formation of agricultural districts, seems to need amendment, as it only provides for five districts, each comprised of but one county, leaving nine of the fourteen counties wholly unprovided for. The Act should provide for other districts or the enlargement of existing ones.

I suggest that appropriations made to the district organizations be made payable upon the certificate, under seal, of the President and Secretary, that a fair has been legally held, and the amount of money appropriated judiciously expended; otherwise, as experience has shown, much delay and annoyance, without any compensating offset, are almost certain to ensue.

#### THE SILVER QUESTION.

This question is one of the most important to the people of Nevada, and it may be said to be paramount to all others. The difference in the price paid for silver by the Government and the price at which it pays it out would make a good profit for the miner. For the past year the price paid for silver has averaged about 93 cents a fine ounce, while it is paid out at \$1 29.29. Thus the Government makes in seigniorage about 36 cents on every ounce of silver purchased, and this is taken from the comparatively small number of miners in the United States, compared with the entire population that are interested in silver money. Every American citizen should desire a circulating medium of exchange for America. We have all the material wealth to sustain the experiment in our mines

of gold and silver. I doubt if it can be successfully maintained that a nation of over sixty millions of people cannot adopt and maintain successfully a standard value of their own. France for two hundred years determined the value of gold and silver; each metal had the same purchasing power; her people had more money in circulation, and more per capita than any other nation, and this was done independent of any international conference, at a time when her population was not half as great as ours of to-day.

The low price paid by the Government for silver has closed down hundreds of mines, that would to-day be in active operation, giving employment to thousands of men, if silver were on the same footing in regard to coinage at our mints as gold.

The gold miner can take his gold to the mints and receive the coin value in gold, which is virtually free coinage to him. But the silver miner must sell to the mint at a price regulated by the London market. It is believed, as the silver question is better understood, we shall have free coinage of the white metal. When that is brought about this State will become prosperous. It will stimulate all kinds of business; it would give employment to thousands of unemployed men; the twin metal would be as one in value as a medium of exchange. It is generally conceded that when the country is prosperous, there is more money per capita among its people than in dull times, and the true doctrine should be to keep, at all times, a circulating medium among the people in proportion to population. Contraction of the currency makes money dear, and the products of the country cheap, and hard times is the result.

#### THE STATE PRISON GROUNDS.

The State has in the prison grounds many wonderful exhibits that have attracted the attention of scientific men from all portions of the country. Here are found the foot-prints of the elephant or mastodon, and many other animals now extinct; numerous petrified bones of animals have been found in the sand-stone twenty-five and thirty feet below the surface. Here may be seen the foot-prints of the native man of a period as to which scientists greatly differ as to time. As the prison yard where these tracks are found is in daily use, these tracks are being obliterated, and it is only a question of time when they will be entirely worn away. In view of this, some of our most worthy citizens have requested me to call your attention to this fact, that you may deliberate on the question of their preservation in the interest of science, in the study of a prehistoric race. That portion of the yard where these tracks are in solid rock, could be set apart and a building erected mostly by prison labor, where these specimens would be preserved, and exhibited to visitors for a small fee, and the money so received be expended for the purchase of books for the prison library.

## TEACHERS' INSTITUTES AND ASSOCIATIONS.

Such organizations, as a rule, are formed, their conventions held, their business transacted, and their expenses incurred in the interest of public and general education. They have accomplished some good in our midst with the little aid and encouragement they have had, and can be made the agencies of great benefit if provided for and assisted to the extent which is both practicable and commendable. They are generally comprised of teachers and State and county school officers who are not able, and should not be expected, to spend their own hard-earned funds in travel and work intended for the public good, for which no compensation is provided nor asked. In such cases expenses at least should be publicly borne, and it has occurred to me that if wise provision were made by law for the incorporation of such bodies it would materially add to their usefulness. They could then have all necessary officers, offices, furniture, books and other things essential to comfort, convenience, and the efficient transaction of business.

## RECORDS OF NOTARIES PUBLIC.

These officers are by law required to make a record of certain official acts. See the law on this subject, General Statutes, general sections 2235-2243. This Act is defective in this, it does not require a Notary Public on going out of office to deposit his official record with any one, so that the public, for the benefit of which it was made, may have access to it. This omission should be supplied by a provision requiring such records to be deposited in the office of the Recorder of the county in which the Notary Public held office, on his ceasing to hold it.

## WATER SUPPLY FOR CAPITOL SQUARE AND ORPHANS' HOME.

Ordinarily the supply of water now to be had for use in the Capitol and on its grounds and at the Orphans' Home, is reasonably sufficient. But the unusually dry season of 1888 has demonstrated that unless some addition be made serious injury is likely to ensue to the trees and grass on Capitol Square, and to trees, vegetables, etc., on the grounds of the Orphans' Home.

I recommend that you investigate this matter, and make such provision as you shall find necessary, as delay might result disastrously.

## MILITARY AFFAIRS.

The report of the Adjutant-General will show the strength of the Nevada National Guard. These volunteer companies are always ready to turn out on special occasions, many times at great inconvenience and expense, to gratify the people. They should, in my opinion, have some public recognition from the State. Under the present laws they are

allowed armory rent, not to exceed seventy-five dollars per month, for each company. In September last, during the State Fair, at Reno, I called out four companies for inspection and review. The appearance of the officers and men was a credit to them, and should encourage them to greater proficiency in the manual of arms. Such reviews will create a credible rivalry to excel and make our volunteer militia the pride of the State. In calling out these companies, I was aware that there was no appropriation to pay for transportation to Reno. In placing the matter before the officers of the Virginia and Truckee Railroad Company, Supt. Yerington and General Freight Agent Bender agreed to issue excursion rate tickets, and wait for the money to be appropriated by the Legislature. A bill for this purpose, amounting to \$303, has been audited by the Board of Examiners, and the same should be paid. I would recommend that you make a small appropriation for defraying the expense of transportation for the next two years.

#### THE LABOR QUESTION.

In view of the disturbances that have taken place in many of the States, growing out of the strained relations between labor and capital, we may congratulate ourselves, that in this State for years past, there has been no trouble among the workingmen. Strikes are unknown; the employed and employer working together. I attribute this satisfactory state of affairs to the intelligence of the laboring classes, particularly among the miners, mechanics and railroad employes, where they have the benefit of libraries and reading rooms connected with their organizations, as many have in this State.

#### BANKING LAWS.

During the First Session (1864-5) of the State Legislature, an "Act to provide for the formation of corporations for certain purposes," was passed. Among the purposes enumerated therein for which such corporations might be formed, "banking" was not originally named, but the Act was amended during the Second Session (in 1866), when "banking" was inserted. I am not aware that any corporation was ever organized under the Act, as amended—I am quite certain that none was ever formed thereunder. This was owing to the fact that the Act contained none of those provisions in detail, which are indispensable to the proper organization of such corporation, and the safe and just management of its affairs and transaction of its business. During the Fourth Session (1869), an "Act to provide for the formation of corporations for the accumulation and investment of funds and savings," was passed. (See Statutes of 1869, page 148.)

This last named Act contains much detail as to organization of such corporations and the conducting of their business. But experience

under it, and the decisions of the courts upon its provisions, make it manifest that the Act is imperfect and does not afford that protection which should be given to the corporations and to those who deal with them. I believe it was the intention of the Legislature, in framing this Act, to make it certain, as well as essential, that when a corporation formed under it begins business its capital stock, so far as subscribed for, shall be fully paid up, and that no one should, in any sense or for any purpose whatever, be, or be considered to be, or be treated as a stockholder whose subscription is not so paid up. But the courts have held that the Act does not go so far. It should in this respect be amended. It ought to contain such mandatory provision that, when any banking corporation organized under it, opens its doors to patrons they will have at ready command indubitable evidence that, so far as subscribed for, the capital stock has been paid up, and that all funds so paid in, are actually and not constructively in the vaults of the bank; and it should further provide that, if patrons do not avail themselves of the benefit of such evidence, if to be had, they shall be afforded no relief, because of their contributory negligence. Another amendatory provision should make it obligatory on such corporations, under adequate penalty, to make and file in the office of the Secretary of State, on commencing banking, a sworn statement of the amount of its capital stock subscribed for and paid up, and the amount actually in its vaults; and a similar statement at least annually thereafter, with such additional facts as will disclose the financial condition, at the time, of the corporation and its affairs.

Another provision is needed, to-wit: That the books and affairs of all such corporations shall be open for examination at all times, during business hours, to any Committee of the Legislature or either branch thereof, or any officer legally appointed for that purpose.

Under the decisions made upon this Act by the courts, which decisions it is not my purpose to question, it is eminently proper that you thoroughly consider this matter, and so far as may be remedy existing defects.

#### CONSTITUTIONAL AMENDMENTS.

A great many amendments to the Constitution were proposed, during the session of 1885, agreed to by a majority of all the members elected to each House, entered on the journal of the Senate, and imperfectly entered on the journal of the Assembly. In each House the yeas and nays were taken and recorded. Were they "referred to the Legislature then next to be chosen?" I believe that no such order was made in either House, at least, none can be found on their journals. This raises the question as to whether *any thing*, required by the Constitution to be done in the premises by the Legislature, can be omitted, and if omission can be made, where is it permissible, and where not, and where is the

line of distinction to be drawn between the indispensable and the immaterial requirements of the Constitution respecting the amendment of that instrument? Do not *all* these requirements stand upon the same plane as being mandatory? If we may arbitrarily treat some as mandates, and others as mere immaterial directions—immaterial as to results whether followed or not—why not waive the call and entry of the yeas and nays, and simply enter on the journals that “the resolution to amend was agreed to by a majority of the members,” or, even “by a majority of all present and voting thereon?” If anything is dispensable, as being mere direction, why not omit the publication “for three months next preceding the time of choosing the next Legislature?” These are mere suggestions, but are, I think, pertinent and pungent. I return again to the history of the amendments proposed in 1885. They were published for three months next preceding the general election of 1886. They were taken in hand by the Legislature in 1887, when some were “not agreed to,” and that is the last of them, while eleven of them, it is claimed, were again “agreed to,” as shown by the respective journals. I admit that the presumption is strong, but the proof not clear—not of that irrefutable character contemplated by fundamental law—that they were so “again agreed to.” Then, in the first place, what was the next duty of the Legislature with respect to these second-time-agreed-to amendments? The Constitution answers: “To submit such proposed amendments to the people *in such manner and at such time as the Legislature shall (should) prescribe.*” It is, from this language, plainly seen that two things remained to be provided for, namely: the *manner* of the submission of the amendments to the people, and the *time* when the people should vote to ratify or reject them, and these two requirements could have been answered in one Act of the Legislature. Were they? An Act was passed, approved March 5, 1887, Statutes of 1887, page 122, entitled “An Act providing for the manner of submitting Constitutional Amendments to the voters of the State of Nevada.” Let this “title” be borne in mind while another Constitutional provision is examined. Section seventeen of Article IV. provides that “each law enacted by the Legislature shall embrace but one subject, and matter properly connected therewith, which subject shall be briefly expressed in the title.” In other words, the *title must* be an intelligent indication of the *purview*, the *scope*, the *object* of the Act. Judged by this indisputably sound rule of Constitution who, on reading the above “title,” would for a moment suppose that the *purview* was intended to provide, or did provide, “the time” when the amendments should be voted upon by the people? The title is silent as the grave as to “the time,” yet both *manner* and *time must* be “prescribed.” Perhaps it will be argued against this position that “the time” was “matter properly connected with the subject,” to wit: “the manner,” expressed in the title. Just as well say that if the title had read as it does, save that “time” had been in the place of “manner,”

and the Act had read exactly as it does, "time" would have been the "one subject" and "manner" "the matter properly connected therewith." The fact is that neither one, as they relate to each other, is "subject" and the other "matter," but both are "matter," and the actual "one subject" of the Act is "provision for submitting Constitutional Amendments to the people." This, in substance, should have been the title, and then both "manner" and "time" would have been "matter properly connected therewith," being both incidents of the "one subject," to wit: submitting the amendments to the Constitution to the people. In this way both "manner" and "time" could have been "prescribed" in one Act. But as the *title* to the Act and the *purview* do not agree, and the "one subject" being legislated upon is not set out in the title, the whole Act is null and void. In plain language the Act is an attempt to legislate on the "one subject" without mentioning it in the title—mentioning therein only an *incident* of that "one subject."

The Board of Examiners, after careful consideration, were of the opinion that, in consequence of irregularities and defects, they would not be justified in causing the eleven amendments, voted upon at the last election, to be published under that Act, incurring thereby great expense, with no reasonable promise of resulting good.

The eleven amendments which had been "agreed to" by the twelfth and thirteenth Legislatures were voted upon by the people at the general election in 1888, when Nos. 1, 2, 3, 5, 20, 23 and 24 received a majority of all votes for and against them respectively; and No. 27 was voted down. These results show that considerable attention must have been given by the people to the nature and effect of the proposed amendments. Their means of acquiring an understanding was two-fold: First, the publication of them made in 1886, as well as in the Statutes of both 1885 and 1887; and, second, by inquiry, when the first mode could not be arrived at.

The returns of the last election, as canvassed by the State Board of Examiners, having shown the above result, a proceeding was at once instituted in the Supreme Court to test the validity of those amendments voted upon and declared to have received majorities. The result of the judicial proceeding was a decision by a majority of the Court (Justice Hawley dissenting) that all the amendments are invalid, because not published in accordance with the Act of 1887, hereinabove cited. So now, if any of those amendments are still necessary, you will have to begin anew with them.

I deem it not improper to make some suggestions in regard to amending our State Constitution in the mode provided by Section one of Article XVI. of that instrument.

*First*—The entries of such amendments upon the Journals of one House should, I am inclined to believe *must*, correspond literally with those of the other.

*Second*—After being “agreed to” by the required majority of each House, they should, by an order entered on the Journals, be formally “referred to the Legislature then next to be chosen.”

*Third*—A *full history* of each proposed amendment should be indorsed thereon, by the proper officer of each House.

*Fourth*—After all the foregoing has been done, they should be officially deposited in the office of the Secretary of State, and be by him delivered to the “next Legislature,” when organized.

*Fifth*—If “agreed to” by a majority of all the members elected to each House of the Legislature to which they were previously referred, such entries should be made on the Journal of each house as will render their identity certain, *by the Journals*, and not leave anything to presumption or inference.

*Sixth*—A *full history* of the action of the Legislature last agreeing to them should be indorsed thereon, and they should then be again deposited in the office of the Secretary of State.

*Seventh*—They should then be appropriately submitted to the people.

As to the submission to the people: The *time* must be at a general or special election. As to the *manner*, I suggest that, in my judgment as the best that can be done, they be voted upon on ballots provided by the State for that purpose only, of a different color from those used for voting for officers, having thereon the number and a plain, comprehensive synopsis of the amendment, and the words “yes” and “no,” and that they be deposited in a separate ballot box, used only for that purpose. The character of the tickets to be prescribed by some State officer, and the votes to be canvassed in the manner prescribed by law as to the canvass of votes for officers.

#### AN IMPORTANT SUIT.

An action was instituted and tried in the United States Circuit Court, District of Nevada, and in due time judgment was rendered in favor of the plaintiff. The title is “*Matthesson and Ward, etc. v. Jos. T. Williams.*” Defendant in due time appealed to the Supreme Court of the United States. The action has for its subject the title to certain lands heretofore selected by the State, listed to it by the United States and sold by the State.

I am informed and believe that the interests of the State of Nevada are deeply involved in this action, and advise that you fully investigate the matter and take such action, if any be needed in the premises, as will protect the interests of the State. Messrs. R. M. Clarke and T. W. Healey are attorneys for the defendant-appellant, and can give valuable information on the matter.

#### INDIAN WAR CLAIMS.

It is to be hoped the individual war claims of our citizens, for serv-



ices and losses of property during the Piute Indian War of 1860, will soon be adjudicated and paid; many of these people risked their lives and fortunes in defense of this country and its sparsely settled territory, then a portion of Utah. These claimants, many of them, are old and poor; unless relief is granted soon, they will pass over the dark river with the last thought of their lives, diverted to the fact, that justice had not been done them by the United States. The Constitution says: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." These men defended the property of the United States against the hostile Indians and made it possible for settlement, so that the people in a few years were enabled to carve out of this Territory one of the loyal States of this Union. Certainly these pioneers are justly entitled to fair, if not generous, treatment by the Government.

#### CONCLUSION.

In concluding this message permit me to say that I may have omitted mention of some important matters, which should be called to your attention. If anything should occur to my mind as demanding your consideration, which is herein omitted, I will not hesitate to bring it to your notice by special message.

I earnestly trust that your deliberations will be characterized by harmony; that all measures adopted by you will be the result of careful thought and well-executed labor, and their every tendency be to render our State more prosperous and our people more progressive and happy, and that on your final adjournment you may all have the consciousness of duty well performed, which is duty's best reward.

I am, gentlemen, with great respect, your obedient servant,

C. C. STEVENSON,

Governor.

## ADDENDUM ON IRRIGATION.

By the courtesy of the Southern Pacific Railroad Company I have been furnished the following tabulated statement of the principal articles exported from the State of Nevada during 1887 and eleven months of 1888. The same was received too late to be directly embodied in the message under the head of "irrigation," but is inserted as addendum on that subject, tending to show the results of irrigation; also the great increase in our exports of many articles during the time stated. For means of comparison reference is made to page seven of my message to the Legislature of 1887.

C. C. STEVENSON, Governor.

*List of principal articles exported from the State of Nevada during 1887 and 11 months of 1888, by the Southern Pacific Railroad Co.*

ARTICLES IN CARLOADS.	1887.		First 11 months 1888.	
	No. Head.	Pounds.	No. Head.	Pounds.
Barley.....		442,890		1,081,880
Oats.....		466,590		619,500
Wheat.....		1,884,400		710,800
Cattle.....	47,454	50,240,000	48,954	50,056,000
Hogs.....	398	120,000	188	60,000
Horses.....	2,414	2,640,000	2,501	2,700,000
Sheep.....	43,081	7,080,000	43,361	7,420,000
Lumber and forest products.....		30,653,040		23,813,570
Wood.....		9,786,780		12,373,500
Hides.....		737,890		573,700
Wool.....		3,127,160		3,126,950
Other annual products.....		587,100		346,720
Base metals.....		1,036,850		1,532,350
Copper matte.....		64,300		113,400
Lead.....		5,782,710		3,761,360
Ores.....		8,742,470		7,867,690
Ore concents.....		1,267,500		499,070
Marble, etc., etc.....		1,076,930		519,300
Borax.....		5,681,660		2,821,920
Hay.....		7,950,300		9,283,850
Machinery.....		64,400		1,207,690
Potatoes.....		1,556,060		4,240,270
Salt.....		5,494,280		5,961,560
Soda.....		1,279,180		901,320