

APPENDIX
TO
Journals of Senate and Assembly,
OF THE
SEVENTH SESSION
OF THE
LEGISLATURE OF THE STATE OF NEVADA.



CARSON CITY:
JOHN J. HILL, STATE PRINTER.
1875.

SECOND BIENNIAL MESSAGE

OF

L. R. Bradley, Governor of Nevada,

DELIVERED TO THE

LEGISLATURE, JANUARY 6, 1875.

*Ordered printed by Concurrent Resolution, by unanimous vote, in
both Houses.*

BIENNIAL MESSAGE
OF
GOVERNOR L. R. BRADLEY.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }
CARSON CITY, January 6, 1875. }

TO THE LEGISLATURE OF THE STATE OF NEVADA :

Gentlemen of the Senate and Assembly: It again becomes my duty in obedience to the mandates of the Constitution to communicate to you such measures as are deemed expedient and necessary to the public good. Upon the commencement of the seventh session of the Legislature, there is abundant cause for rejoicing. The new era of prosperity which dawned upon our declining interests at the close of 1871 has been prolonged to the present hour. Each day, each month has brought its new tidings of the rewards of judicious investments of capital, and the achievements of tireless labor. To recapitulate would be a pleasant, but useless task. All that might be said would be but a repetition of former congratulations. Our growth has been the increase of substantial prosperity. Population has sought our boundaries. Well considered estimates place the gain of inhabitants in the past four years at twenty-seven thousand—an increase of nearly forty per cent. The tide of emigration which pours its unceasing flood along the highway to California, brings daily new accessions to our numbers. They come to add their labor, their interests and their hopes to our common stock. Let us extend to them a hearty welcome.

The infancy of our State has passed. She has reached the strength of maturity. Her resources of wealth are pouring out their enriching streams in every direction, quickening the currents of the buoyant health of national commerce. To-day Nevada stands upright. She has no need of prop nor helping hand. She walks a stalwart child beside her sister State, keeping equal pace in the march of empire by the Pacific shores. There has been no step backward. The sovereign favor of the Creator, in

His manifold blessings thus displayed, deserves and should receive our heartfelt thanks.

GENERAL FINANCES AND STATE DEBT.

A statement of the funds and securities constituting the general and special assets of the State at the close of business on December 31, 1874, is as follows:

Coin.

General Fund.....	\$327,433 58
General School Fund.....	19,339 66
State School Fund.....	10,178 75
State Interest and Sinking Fund, 1871-2.....	1,152 80
Territorial Interest and Sinking Fund, 1872.....	66,284 77
State Building Fund.....	34,172 55
State University Fund (90,000-acre grant).....	16,023 19
State Library Fund.....	5,331 84
State Capitol Fund.....	49 66
Soldiers' Fund.....	8 38
Legislative Fund.....	5 00
State Prison Fund.....	8,376 10
Total	<u>\$488,356 28</u>

Coin Warrants Outstanding.

General Fund.....	\$23,035 48
State Prison Fund.....	6,327 33
State Building Fund.....	14,172 89
State Library Fund.....	253 74
State School Fund.....	1,494 83
Total	<u>\$45,284 27</u>

Currency.

University Fund (90,000-acre grant).....	\$11,029 81
State School Fund.....	13,258 81
State University Fund.....	3,211 79
Special Land Fund.....	1,782 70
Total	<u>\$29,283 11</u>

Outstanding Warrants.

State School Fund (currency).....	\$9 52
University Fund (currency).....	70
Total	<u>\$10 22</u>

Coin Securities in the Treasury.

United States coin six per cent. bonds belonging to University Fund.....	\$10,000 00
United States coin six per cent. bonds belonging to State Interest and Sinking Fund, 1871-2.....	100,000 00
United States coin six per cent. bonds belonging to State School Fund.....	146,000 00
Nevada State bonds belonging to State School Fund.....	104,000 00
Total	\$360,000 00

The general and special liabilities of the State on the same date were as follows:

Coin bonds issued under the Act of February 17, 1871, known as Territorial indebtedness.....	\$380,000 00
Coin bonds issued under the Act of February 17, 1871, known as State indebtedness.....	280,000 00
Total debt.....	\$660,000 00

Upon the face of the foregoing statement there would appear to be a large surplus of assets over liabilities. In fact there is. But of the assets mentioned there is a large portion which are such for a special purpose only. Some are devoted by constitutional provision to special purposes; others are pledged by legislative enactment to similar ends. In the first class are included the General School, State School and State University Funds; in the second, the State and Territorial Interest and Sinking Funds. Upon several of the other funds there are specific liens, in the nature of outstanding warrants. The funds in several instances consist of the residue of appropriations. The general assets of the State consist of the General Fund, which may be used in any manner, and is entirely subject to legislative disbursement and control. Its amount, deducting outstanding warrants, is three hundred and four thousand three hundred and ninety-eight dollars and ten cents. This sum is applicable to the reduction of the State debt. There are other assets created for that purpose which are also proper to be deducted from the general liabilities. They are as follows:

State Interest and Sinking Fund (bonds).....	\$100,000 00
State Interest and Sinking Fund (coin).....	1,152 80
Territorial Interest and Sinking Fund (coin).....	66,284 77
Total	\$167,437 57
General Fund.....	304,398 10
Grand total.....	\$471,835 67

Subtracting this sum from six hundred and sixty thousand dollars—the State debt—we have for a remainder the net indebtedness, which is one hundred and eighty-eight thousand one hundred and sixty-four dollars and thirty-three cents. If, however, the State bonds in the School Fund, one hundred and four thousand dollars in amount, are a proper

subject for deduction, in that case the debt will stand at eighty-four thousand one hundred and sixty-four dollars and thirty-three cents. Upon this point there is a difference of opinion. The State occupies the double position of debtor and creditor—she cannot divest herself of either character. The fund is inalienable, irreducible and incapable of diversion to other ends. The State owes the money to her most favored creditor. The bonds bear a high rate of interest. It is as well, if not better, that the State should continue to pay that interest for the benefit of education than to pay the bonds and replace them with other securities producing a less income. Our bonds are now quoted at an extraordinary premium. In response to proposals requesting their surrender, such an advance on the par value was demanded that the proposition could not be entertained for an instant. In this view the amount of one hundred thousand dollars in United States six per cent. bonds was purchased. The annual income accruing therefrom decreases *pro tanto* the interest of a like sum of our own securities. The present aspect of our financial status may be summed up as follows: a full treasury, a debt decreasing with easy rapidity, a School Fund of two hundred and fifty thousand dollars permanently invested and a University Fund of ten thousand dollars. Its assured results will be an established credit, a considerable reduction of the State tax and at an early day, complete freedom from debt.

TAXABLE PROPERTY AND REVENUE.

The total amounts of real and personal property assessed for taxation during the years eighteen hundred and seventy-three and eighteen hundred and seventy-four, respectively, were the following: In 1873, twenty-six million eight hundred and sixty-six thousand five hundred and five dollars and twenty-four cents; in 1874, twenty-six million six hundred and thirty thousand two hundred and seventy-nine dollars and twenty-two cents—a decrease in the year 1874 of two hundred and thirty-six thousand two hundred and twenty-six dollars and two cents. On the other hand, the increase in the year 1873 over 1872 was the sum of three million nine hundred and eighty-seven thousand dollars and ninety-two cents. The diminution of taxable property in 1874 may be satisfactorily explained in several ways. Among other causes, the losses of live stock in the northern tier of counties during the severe Winter of 1873-4, were amply sufficient to account for the reduction. The revenues derived from taxes levied upon real and personal property for State and county purposes during the same period were as follows: In 1873, nine hundred and thirty thousand eight hundred and eighty-eight dollars and eighty cents. In 1874, eight hundred and ninety-five thousand four hundred and thirty-three dollars and ninety-five cents—a loss in 1874 of thirty-five thousand four hundred and fifty-four dollars and eighty-five cents. This decrease is also capable of explanation. A principal reason, apart from the falling off of the amount of the assessment rolls, is the reduction of the rate of taxation by several counties.

The production of the precious metals for the years 1871, 1872 and 1873, and the first three quarters of 1874, was as follows: 1871, twenty millions twenty-six thousand five hundred and eighty-five dollars and twelve cents; 1872, twenty-three millions eight hundred and twenty-two thousand two hundred and forty-nine dollars and five cents; 1873, thirty-two millions eight hundred and twenty-two thousand two hundred and forty-nine dollars and five cents; 1874 (first three quarters), twenty-two

millions four hundred and seventeen thousand six hundred and twenty-five dollars and forty-three cents. The gain of 1873 over 1872 was the enormous sum of eight millions eight hundred and forty-nine thousand five hundred and twenty-two dollars and seventeen cents. A yield in the last quarter of 1874 in proportion to that of the preceding three, will give a total product of twenty-nine millions nine hundred and eighty thousand one hundred and sixty-seven dollars and twenty-four cents. It is more than probable that the actual product will largely exceed this estimate.

The revenue for State and county purposes derived from this source for the years mentioned was the following: In 1873, two hundred and ninety-six thousand seven hundred and ninety-four dollars and five cents. In 1874 (first nine months), one hundred and seventy-nine thousand six hundred and fifty-six dollars and sixty-five cents. Another explanation is necessary: the cause of the falling off in the revenue in 1874 must be attributed to the diminished product of bullion in eastern Nevada—especially in Lincoln County. The rate of taxation for all purposes is nearly three times as great in Lincoln as in Storey. Therefore the receipts of revenue are as much affected by a falling off of one million dollars in the production of the former as of three million dollars in the latter. To this and other features of the system of taxation now in force attention will be hereafter directed.

THE SCHOOL FUND.

This fund has attained the sum of two hundred and fifty thousand dollars. Of this amount, one hundred and four thousand dollars is invested in Nevada State bonds, and the remainder in United States bonds. The annual income from these investments is eighteen thousand seven hundred and thirty dollars, in gold coin. The fund is rapidly increasing in proportion to the sale of lands belonging to the State. These lands, according to their several kinds, are sold, some for cash and some on a credit of a term of years. The annual installments from these sales on credit, as they are paid, contribute to the principal of the fund. Upon the accumulation of a certain amount of money, permanent investment of the same is made in State or Federal securities. All transactions connected with this fund which occur before permanent investment, and all relating to the sale of State lands are made in legal tender currency. The fees of the general and local land offices of the United States for listing and approving lands to the State, are payable in the same currency; consequently, and necessarily, the State lands must be sold for that kind of money. This has worked no hardship in the past and is believed will not be the occasion of injury in the future. Any change in this course of dealing on the part of the Land Office must be in pursuance of a new line of policy. It can only be accomplished under an Act of the Legislature to that effect. The sanction of long established custom has fixed the usage too firmly to be changed at the will of the incumbent of the office. That change is within the province and power of the Legislature to make. Further than this the usage has not been injurious to the interests of the fund in point of fact. The continuous upward tendency of paper since the close of the war has been taken advantage of by those having its interests in charge. Without any ventures in the way of speculation, advantage has been taken of every favorable movement of the currency. The fact may be asserted without the fear of contradiction that not a cent has been lost by the fluctuations of the money market.

Another topic of discussion is of recent birth—it concerns the constitutional validity of the statute which imposes the payment of the expenses of the State Land Office upon this fund. If there is any force in the maxim of the law, which enjoins adherence to fixed and decided principles, this question may be considered settled. As long ago as the year 1868 the precise point came before the Supreme Bench for decision. The case (the State ex rel., Greenbaum vs. Rhodes) was made for that very purpose. After argument, the validity of the statute was upheld on every ground. The State was declared to be “a trustee, with a legal right to use a portion of the trust estate to make the balance available.” This conclusion shocks no sense of justice. The custom of making every portion of the revenue bear the expense of its own collection is of immemorial antiquity. It is frequently met with in every branch of our financial system. The commissions allowed upon the collection of county licenses, of poll taxes, of taxes upon real and personal property and the proceeds of mines are the most familiar examples. The questions of usage on both topics discussed, stand as above stated. That of the policy to govern in the future, in regard to both, rests with yourselves. You may change the course of dealing or not, without detriment to the interests affected. The doubt of constitutional power in regard to the second point touched upon, must, in accordance with and out of respect to the decision of the Supreme Court, be dismissed as unworthy of future consideration.

THEORIES AND PRACTICAL RESULTS OF TAXATION.

The Tenth Article of the Constitution enjoins an equal and uniform rate of assessment and taxation, and the passage of laws prescribing regulations, which, secure a just valuation of all property, real, personal and possessory, except mines, and mining claims, the proceeds alone of which shall be taxed. Certain exemptions of property, in some degree allied to public uses, are permitted. They do not trench upon the general purpose of the rule laid down. That the burden of support of the structure of government should be equal and uniform is the unmistakable meaning of the language quoted. The commands of the fundamental law have placed the system of taxation upon the broad and firm foundation of justice. In these, as in all other respects, equality is justice. On every principle of right, the rich should bear the load in equal proportion to the poor, and the reverse. The principle is clearly defined, it remains to be seen whether the practice tallies with the theory. If the statutes passed in pursuance of the powers granted, have failed to secure the desired result, there may be two explanations. Either the law, or the officers of the law are at fault. If either have failed, it is time to begin the task of curing their imperfections. It shall be my aim to point out the particulars in which the constitutional theories of taxation work injustice. Further, in what respects, if any, methods of valuation designed to operate equally, on all property and all taxpayers of the same classes, have not succeeded in accomplishing their intended purpose, whether such failure be the fault of the law, or of the officers of the law. There is a discrimination in favor of a certain species of property apparent upon the face of the Article. Two classes are recognized and defined. The first described as “real, personal and possessory,” is to be assessed at its cash value. This is the language of the General Revenue Act, defining the method and principle of valuation. The second includes the proceeds of the mines. The knowledge of the facts and arguments which called into

existence the two classes is yet fresh in our memories. A new industry was to be developed. The occasion demanded large investments of capital upon precarious security. It was resolved to do nothing to check the inward flow of wealth. The fee-simple, the body of the estate in the mines, was relieved from taxation. The proceeds only were to be taxed. This policy is common. It is frequently the case that money to be invested in manufactures is expended under the inducement and pledge of exemption from local or municipal taxation. The practice, therefore, is not new in principle, but in the instance. The discrimination in favor of mining property is the only breach in the impartial rule of equality.

The assessed valuation of real and personal property made in the year 1873, was the sum of twenty-six million eight hundred and sixty-six thousand five hundred and five dollars and twenty-four cents. This assessment must be taken as the basis of comparison. Theoretically it is, practically it may be assumed to be just and correct, except in a single instance hereafter to be named. The revenue arising from this source for State and county purposes amounted to the sum of nine hundred and thirty thousand eight hundred and eighty-eight dollars and eighty cents. The returns of the gross and net proceeds of the mines made to the local Assessors may also be assumed to be correct. The gross product for 1873 was the sum of thirty-two millions six hundred and seventy-one thousand eight hundred and seventy-one dollars and twenty-two cents. The assumption that the net proceeds of the mines represent the profit of mining over and above the total cost of extraction, transportation and reduction of the ore is not a violent one. There is no room for suspicion that any taxpayer may have omitted to include any item of expense within the legal exemption. The assumption rests upon the well known habit of men to swear to the truth when it concerns their interests to do so. It may be taken for granted that the net proceeds of mines reported for taxation during the year 1873 was the sum of fifteen million five hundred and thirty-eight thousand nine hundred and eleven dollars and forty-six cents *and no less*. The revenue derived therefrom was the sum of two hundred and ninety-six thousand seven hundred and ninety-four dollars and five cents. This sum of two hundred and ninety-six thousand seven hundred and ninety-four dollars and five cents represents the pressure of taxation upon an industry the gross income of which was thirty-two million six hundred and seventy-one thousand eight hundred and seventy-one dollars and twenty-two cents, *and the net income* fifteen million five hundred and thirty-eight thousand nine hundred and eleven dollars and forty-six cents. There are no means of computing from official or reliable data the capital invested of which the latter amount is the income. Let it be admitted that the business of mining is speculative and hazardous. Let the income be capitalized at a rate of interest which would tempt the cupidity of the most wary financier—say at thirty-three and a third per cent. per annum. At this rate the productive capital invested in mines in Nevada would be the sum of forty-six million six hundred and sixteen thousand seven hundred and thirty-four dollars and thirty-eight cents. The unproductive capital may be omitted from the calculation. To repeat, then: a capital estimated upon the most favorable basis, amounting to the huge sum of forty-six millions and more, bears the weight of taxation to the pitiful extent of two hundred and ninety-seven thousand dollars, at the rate of less than seven-tenths of one per cent. per annum. These are

the general results of the practical operation of the statute now in force concerning the taxation of the net proceeds of the mines.

Since the adoption of the Constitution the phrase "the proceeds only of which (the mines) shall be taxed" has been defined by usage and legislative interpretation to mean the *net* proceeds. The Act now in force and those which from time to time have been framed—now superseded or repealed—have enforced this definition by creating a series of exemptions which were supposed to represent the actual cost of extraction, transportation and reduction of ores. These exemptions are in some degree arbitrary in their operation. They embody the legislative judgment on a problem which cannot be solved by fixed rule. The actual cost of mining and reducing ores varies according to the advantages of skill, experience and locality. It may differ—in fact it does—as these conditions change. The progress of science, the reduction in the prices of labor, freights and fuel have tended to reduce the total cost in many instances below the limit of the exemptions allowed by the statute. Of the truth of this assertion there are many and conspicuous examples. We may take, by way of illustration, the Belcher Silver Mining Company. This company is chosen because it has been for years the most prominent type of successful mining enterprise in the State. The reports of its officers for the years 1871–2–3 are in my possession. Upon the basis of the figures given in those reports, taken in connection with the official tax lists on file in the office of the Controller of State, I have prepared a statement tending to show the difference between the arbitrary exemptions allowed by the statute, which are supposed to represent the total cost of extracting the bullion from the ores, and the actual cost, as shown by a statement of the real expense. In other words, to show the difference between the true margin of profit in practical mining and the theoretical margin fixed by law. The following table shows the difference between the fact and the theory:

Statement of the operations of the Belcher Silver Mining Company for the years 1871–2–3, showing the gross yield, the net yield reported for taxation, the actual profit, and the net profit untaxed:

Eighteen Hundred and Seventy-one.

Gross yield.....	\$1,199,134 89
Net yield taxed.....	351,139 73
Profit—cash surplus.....	712,945 08
Total cost of reduction.....	486,189 99
Net profit untaxed.....	361,805 45

Eighteen Hundred and Seventy-two.

Gross yield.....	\$4,794,659 10
Net yield taxed.....	2,546,253 62
Surplus and dividends.....	3,195,124 11
Net profit untaxed.....	648,870 41

Eighteen Hundred and Seventy-three.

Gross yield.....	\$10,779,170 87
Net yield taxed.....	6,695,545 58
Dividends and surplus.....	7,759,969 96
Net profit untaxed.....	1,064,424 38

Let it be noted further, the tax for county purposes levied upon an assessed valuation thus shown to be unjustly small, was twenty-five cents upon every one hundred dollars of product—all other property in Storey County is taxed at the rate of two per cent. for county purposes. This is another example of the fostering care which has nursed the business of mining from infancy to its present giant strength. The statement shows that instead of being the crushing load which wrings a periodical groan from an oppressed and struggling interest, the burden of taxation is but a feather weight upon a thriving and prosperous pursuit. Instead of further exemptions or a total exemption of the proceeds of the mines, the percentage of exemption should be cut down. The limit of generosity and over-indulgence has long since been passed. Any change in the provisions of the law should be in the direction of an increase rather than a decrease of taxation.

There is a third species of property liable to taxation, of neither constitutional nor legislative creation. It is that of the Central Pacific Railroad Company. Since its completion the road has been practically exempt from taxation to the extent of three-fourths of its real value. The means by which this result has been attained and the possible remedy therefor remain to be noticed. There are four hundred and fifty-six miles of track and road-bed in this State belonging to that corporation. To build the same a subsidy of thirty-two thousand dollars per mile was granted by the Federal Congress, amounting to fourteen million five hundred and ninety-two thousand dollars, exclusive of the land grant. The assessment and valuation for taxation of the whole road in Nevada is less than five million dollars—one-third of its cost, assuming the cost to be equal to the subsidy, which is doubtful, and not more than an equal fraction of its real value. The assessment includes rolling stock, machinery and buildings along the line. The total revenue derived from the whole railroad within this State is less than one hundred and twenty thousand dollars per annum.

These figures are from official records. They defy denial. No charge of undervaluation at a proportionate rate can be brought by the Railroad Company against the general tax-paying public. No evidence can be produced of official negligence or fraud in the assessment of the general mass of property, which will not apply with tenfold force to that of the Railroad Company. Its road is not now, and never has been, assessed at the same rate per mile as others of the same class now in active and continuous operation. The species which includes the general bulk of private wealth is taxed three times as heavily as this. That is to say, a private citizen whose means are invested in lands, houses, or goods, pays three times as much in proportion to his estate as another tax-payer, without a single claim to further indulgence. To use the mildest phrase, this state of affairs cannot be called satisfactory. The question is, how has it come to pass? The indifference of the tax-paying community has permitted its unchecked growth until the injustice has thrust itself upon the view. When detected, and reform has been demanded in the name and by the authority of justice and the law, the attitude of the delinquent tax-payer has been that of defiance and aggression. In the single county where a persistent effort has been made to force the payment of a sum in taxes in proportion to a just and moderate valuation, the struggle has been so wearisome, and the delay of justice so protracted, that there is but slight encouragement to pursue a like course in the future. There has been no concert of movement among the officers of the counties having a common interest in this matter. All attempts at concurrent action have been fu-

tile. In each county the uncertainties and delay of exhausting litigation have been held up before the Assessors and Commissioners as the undesirable consequences of a resort to legal means to right the wrong. The anxieties of public creditors have made them active allies in imploring a reduction of assessments. Office-holders and office-seekers are cowed by the threat of adverse influence at the next election. At the hearings before Boards of Equalization, a mode and principle of assessment of railroad property is advanced in argument and supported by an array of proofs sufficient to satisfy a pliant official conscience. The forms of law are strictly complied with, but the substance of truth and reason is lacking.

No final victory has yet been achieved by the State in the Courts. A case which will test the soundness of the theories of assessment and taxation advanced by the Railroad Company will come before the Supreme Bench at the present term.

To devise an appropriate remedy within constitutional limits should be the object of our earnest effort. When perfected, it should be put into swift and unsparing use. The possibility of the abuse of power or neglect of duty by county officials, may be averted by taking away the power itself. The apprehensions of the law's delay and expense to local treasuries may be quieted by placing the labor and the cost upon the State. The Revenue Law should be amended in order to more clearly define the mode and principle of railroad assessments. Nothing should be left undone to perfect a plan so necessary to the proper collection of the revenue.

A State Board of Equalization should be created. Power and responsibility should be concentrated in this important trust. Let the members of the Board be made conspicuous and prominent. In them could be vested the authority which is indispensable to achieve success. They should be empowered to act in the same manner and upon the same grounds of interference as County Boards. Let them be responsible to their consciences and to the tribunal of public opinion. If their well-meant efforts shall end in failure, it will then be time enough to admit that the State and the Law cannot cope with the delinquent tax-payers.

FISHERIES IN THE TRUCKEE RIVER.

A subject of importance to many citizens of the State, and one well worthy of discussion at your hands, is the preservation of the fisheries of the Truckee River. I shall not be liable to the charge of magnifying an insignificant danger in making the assertion, that unless preventive measures are soon adopted and rigidly enforced, their certain destruction is imminent. But one cause is operating to that undesirable end, namely, the discharge of sawdust into the current of the river from the saw-mills which line its banks in the State of California. This wrong has been the subject of a memorial addressed to the Legislature of California by your predecessors, invoking the comity of our neighboring State to repress the evil. In answer to this most reasonable request no effective action was taken.

The Federal Government has an interest in common with ourselves in checking these practices. An Indian Reservation has been established at Pyramid Lake. To the Indians there residing the fisheries are a valuable source of food, employment and profit. It is not to be believed that the General Government will allow their utter destruction. Some months ago, in company with the Agent in charge of the Pyramid Lake Reservation, I rode from Wadsworth to the mouth of the Truckee to satisfy

myself, by personal observation, of the truth of statements I then believed exaggerated. I found those accounts to be strictly true. The mouth of the Truckee, where the river empties into the lake, is closed by a bar of sawdust at least a half-mile in length, three hundred yards in breadth and three feet in depth. Through or over this bar of sawdust there is no perceptible current or flow of the stream. The sawdust hangs in the water in such dense solution that the fish cannot swim through it. Consequently the river is closed by an impenetrable barrier. During spawning time the trout seek to ascend the river to their spawning grounds at or near Lake Bigler. They cannot pass the bar, and many die in the attempt. I saw hundreds of fine trout dead and rotting upon the shores. The air was poisoned with the stench of their decay.

Another evil of equally injurious consequence arising from the same cause, is the damage to arable lands along the banks of the river. It is a matter of serious regret that in this most favored agricultural region of the State, where all conditions of soil and water concur to make farming profitable, that they should be neutralized in this manner. Sawdust being in the river, no system of irrigation has been or can be devised whereby it can be kept off the lands. No watchfulness, no labor is equal to the task of warding off or counteracting its injurious effects.

It may be conceded that the Legislature of Nevada has no power to denounce or punish as criminal such nuisances when they originate without her boundaries. On the other hand, it must be admitted that Congress has such power. To Congress, then, an appeal should be made. A memorial, setting forth these wrongs, and the actual injuries already suffered, in language of the respectful urgency demanded by the nature of the case, would secure prompt attention, and insure safety for the future.

RESIGNATIONS AND APPOINTMENTS.

In compliance with Section forty-seven of "An Act relating to officers, vacancies in office, and the mode of supplying the same, etc.," approved March nine, eighteen hundred and sixty-six (Statutes of 1866, page 231), it becomes my duty to lay before you the following list of appointments, made to fill vacancies occurring since the adjournment of the last Legislature:

The resignation of William Arrington, as a County Commissioner of Lander County, was received and accepted on March thirteen, eighteen hundred and seventy-three. Upon the same day, John H. Dennis, of Austin, was appointed to fill the vacancy.

John E. Cheney resigned the office of County Commissioner of Ormsby County on July one, eighteen hundred and seventy-three. M. C. Gardner, of Carson City, was appointed his successor on July eight, eighteen hundred and seventy-three.

The commission of Major-General commanding the First Division of Nevada State Militia, became vacant on July two, eighteen hundred and seventy-three, by reason of the death of Major-General J. L. Van Bokkelen. On the eighth of July, eighteen hundred and seventy-three, I appointed John B. Winters, of Storey County, to the position.

The office of Regent of the State University, conferred at the session of eighteen hundred and seventy-one, by an election by a Joint Convention of the Legislature, upon the Honorable P. H. Clayton, became vacant by his death on the eighteenth of December, eighteen hundred and seventy-four. On the twentieth of December, I appointed Dr. John W. Fox, of Elko, to fill the vacancy.

PUBLIC INSTITUTIONS.

I take pleasure and interest in recommending to your favorable consideration, the subject of an appropriation for the purpose of ornamenting and enclosing the Capitol square. This I have heretofore declined to suggest, with some reluctance, upon grounds of economy. These reasons have ceased to exist. The treasury is full, and I know not a single taxpayer in the State who could offer a reasonable objection. A sufficient sum could be set apart for the purpose, and its expenditure vested in the Board of Examiners. Portions of the work could be let upon public notice to the lowest bidder. The labor of convicts at the Prison could be utilized in other respects. I sincerely hope that no sectional prejudice nor local jealousy may influence your deliberations in this matter. The present appearance of the grounds cannot but be a cause of mortification and regret to every citizen of the State.

The State University, by an Act of the Legislature approved March 7, 1873, was located in the town of Elko. The conditions precedent to the location were complied with by the citizens of the county at an expense of twenty thousand dollars, raised by voluntary contributions. The building and land were formally accepted by the Board of Regents in the month of February, 1874. A preparatory department was afterwards established and a Principal appointed. The first term of the institution ended on December 18, 1874. The construction of the building and initiation of the preparatory department were obligations implied by the acceptance of the grants of lands by Congress for a University and College of Agriculture and Mines. Thousands of acres of lands under those grants have been listed over and approved to the State. The precise number of acres is twenty-two thousand six hundred and sixty-two and sixty-five one-hundredths under the University, and eleven thousand nine hundred and eighty-nine and fifty-four one-hundredths under the Agricultural College grant. Money has been deposited upon application to purchase these lands to the amount of thousands of dollars. Many persons, holders of contracts from the State Land Office for the purchase of these lands, have settled upon tracts and made valuable improvements upon the same. The title of the purchasers from the State, and that of the State itself, depend upon a faithful compliance with the conditions of the Acts of Congress. The University should be sustained, or the determination to the contrary should be speedily announced. There would then remain the undeniable duty to suffer the lands to revert to the United States, to reimburse the purchasers from the State, and to reconvey the building to its generous donors. Nothing should be left undone which is necessary to fulfil all the pledges which the obligations of public honor impose, and are implied by her past conduct in this matter.

No change has been made in the care or maintenance of the insane since my last biennial message. Their number has increased in a slight degree, in proportion to the growth of the State in population. The Board of Commissioners of the Insane Asylum desire to repeat the expression of satisfaction with, and confidence in the treatment and skill of the attending physicians. In this connection I have to repeat the recommendation that the present State Prison, as soon as vacated by the removal of the convicts to Reno, be fitted up for the purposes of an asylum. This can be done cheaply and well. Such a change, however, if made at all, cannot reasonably be expected within two years.

The State Prison now contains one hundred and thirty-three convicts, an increase of nearly one hundred per cent. in two years. This gain in number is remarkable. It may be attributed to greater vigilance in the detection, and more earnest zeal in the prosecution of crime, rather than to an increase of crime itself. A new spirit seems to have been awakened in the general sentiment of the community upon the energetic pursuit and punishment of criminals. Certain the fact is, that a much larger number of persons accused and tried are now convicted than ever before.

The Prison buildings have been enlarged at an expense which is moderate in comparison with the real value of the improvements. Walls of solid masonry have been fortified, raised and extended, adding to the strength of the inclosure in every direction. Workshops have been built and furnished by convict labor. New trades have been introduced in which the prisoners have made rapid progress. A ready and remunerative market has been found for the products of their labor. The amounts of improvements erected, of their actual cost and real value, and of the cash receipts from the labor of the prisoners, will fully appear in the report of the Warden, which will be transmitted during the session.

A high state of discipline prevails. Insubordination is checked by a firm hand, without the use of cruel or unusual punishments. No prisoners have escaped during the past two years. Conspiracies among the convicts, formed for the purpose of escape, have been quickly discovered and broken up. There is nothing in the discipline of the institution which I cannot commend. It certainly has been effectual to the safety of both inmates and officers.

Prominent among the many questions which concern this branch of the State Government is the following: How many more convicts can the present prison hold? The number will be small. A few more cells can be added under the roof of the main building. They being occupied, nothing remains to be done save the erection of another cell-room. This will largely increase every risk and expense. A double force of guards will be needed where one is now sufficient. I am convinced that no good can come of any attempt at further enlargement of the present prison, even if it were possible. Possible, I mean to say, without being done at the expense of strength, safety and economy. No further space can be spared in the yard. A building placed in any part of it would interrupt the range of fire of the guards. Room is urgently needed, and, in my opinion, it cannot be had in the present location.

The Board of Prison Commissioners, under and by virtue of the authority conferred by the "Act to provide for the erection of a State Prison," approved March 7, 1873, has commenced its labors in that direction. Upon the accumulation of a sufficient sum in the State Building Fund, the Board purchased a site in the vicinity of the town of Reno, and commenced work. The site is considered healthy, safe and accessible. Operations were suspended at the beginning of the first storms of the present Winter. Foundations for an inclosure were prepared. The work done, in quantity, quality and cheapness, will compare favorably with that done upon any public building yet erected.

The importance of the speedy completion of the prison is self-evident. Every consideration of economy, safety and humanity demands it. I have had occasion to refer to the increasing number of the convicts, and the impossibility of further enlargement of the present prison. The consequences which would ensue from the breaking out of an epidemic within its walls would be fearful. It is unnecessary to repeat these

things. The desire to avoid dangers as serious as those predicted impels me to recommend prompt action in hastening the new prison to completion.

STATE LANDS.

The grants of land from the General Government to the State of Nevada, with the exception of that of the sixteenth and thirty-sixth sections in each township, are nearly exhausted by sales made through the Land Office. A summary showing the number of acres granted to the State presents the following figures:

For Internal Improvements.....	500,000
For a State Prison.....	25,000
For a University.....	46,080
For a College of Agriculture and Mines.....	90,000
Total number of acres.....	661,080

The number of acres under all the grants listed and approved to the State is four hundred and sixty-one thousand four hundred and twenty-nine and ninety-three one-hundredths. That for which applications to purchase have been received is six hundred and eighteen thousand four hundred and eight and twenty-five one-hundredths. The number unapplied for is forty-three thousand two hundred and seventy-one and twenty-five one-hundredths. A very limited number of sales has been made of lands included within the sixteenth and thirty-sixth sections. The sales must await the extension of the public surveys. Even then they are difficult of selection, and in many cases unmarketable, located as they may be on the summits of mountains or on sterile flats. Serious and embarrassing questions have arisen as to the character of the lands included within the grant. It is yet unsettled, whether under the Act of Congress the State received and may convey a title to mineral lands falling within the sections named. So slowly are the surveys advanced, and so many difficulties impede the acquisition of title, that the grant in its present form may almost be pronounced undesirable. The total area of the grant within the State is three million nine hundred thousand acres.

The Legislature of 1873 passed a memorial and concurrent resolution (Statutes 1873, p. 232) requesting Congress to grant a million acres of land to be selected as other lands granted to the State, in lieu of the sixteenth and thirty-sixth sections, and consenting to the repeal of the prior Act. A bill to that effect was introduced in the House of Representatives by our Member of Congress, and was referred to the Committee on Public Lands. There it has encountered some opposition, on what ground I know not. I would suggest a renewal of former efforts, and a strenuous attempt to secure the passage of the bill.

FEES OF COUNTY AND TOWNSHIP OFFICERS.

Of all sources from which have arisen the present onerous debts of the counties of this State, I consider the fees of county and township officers the most unjust and oppressive. A history of the growth and progress of this method of compensation will be instructive to the end of its improvement, if not of its total abolition. In every plan of official compensation where a definite sum is fixed for the payment of a specific service

there is one chief source of income to the incumbents. Under our system it is the payment of mileage for distances traveled by Sheriffs and Constables in the discharge of their respective duties. Other but not as prominent instances may be found in the fees allowed to County Clerks and Recorders for copying and transcribing papers upon the files of their offices.

The first Territorial Legislature, at the session of 1861, enacted a fee bill. A just if not moderate sum was allowed for mileage. In the cases of Sheriffs and Constables the sum of forty cents per mile was fixed; in that of jurors, twenty cents. The price of copying and transcribing records was fixed at thirty-five cents per folio. These charges were payable in gold. There was no other kind of money in circulation at the time. In the months of February and July, 1862, the legal tender Acts were passed. Paper currency came rapidly into use. There was no specific provision of the statute requiring the payment of fees in coin. Consequently, as matter of law they were payable, and as matter of fact they were paid, in paper. Legal tenders fell rapidly in price, fluctuating with the varying fortunes of the combatants in the late war. The second session of the Legislature began in December, 1862. The depreciation at that time equaled twenty per cent.; at a later period it sank to sixty-two per cent. of the face of the currency. The Legislature was immediately besieged by county officers praying relief as a matter of simple justice. In pursuance of this view the price of mileage was increased to seventy-five cents—an advance of nearly one hundred per cent. By the same statute the fees of Clerks and Recorders were cut down nearly one-fifth; upon what principle of justice or policy cannot be imagined. Thus the statute stood until 1865, when the price of transcribing records was advanced about ten per cent. No other changes of importance were made.

It must be remembered that *all* public officers suffered equally by the depreciation of the currency. From the Executive to the lowest clerk in the service of the State, the loss was uniform. None, however, received such a flattering acknowledgement of the real value of their services at the hands of the Legislature as these county officials. The Judges of the Supreme Court, whose nominal salaries were seven thousand dollars per annum, were forced to content themselves with an equivalent of four thousand dollars in coin. The payment of the salaries of the Judges had been an object of special interest to the framers of the Constitution. A special fund had been created for their benefit, in the nature of a first lien upon the public revenues. Whatever financial emarrassments might overtake other creditors or servants of the State, the Judges were not to be straitened. And yet no means were or could have been devised to avert from them the general loss.

Specie payments were resumed upon January one, eighteen hundred and sixty-nine. All salaries and fees were included in the statute in express terms. Thence and thereafter they have been paid in gold coin. The Sheriff, Constable, or Coroner who in the pioneer days of eighteen hundred and sixty-one, in the midst of the wild extravagance of the earlier settlement of the State, received forty cents in coin for each mile traveled in the service of process, who received seventy-five cents in currency for the same service from eighteen hundred and sixty-two until eighteen hundred and sixty-nine, now receives the same price in coin.

It cannot be denied that the present schedule of charges is extravagant and excessive. Is there a public conveyance in the State of Nevada

upon which the rates of travel equal one-fifth of the sum allowed by law? Take for example the case of a Sheriff bringing a prisoner from Pioche to the penitentiary in Carson City. How by any method of calculation can his expenses for the trip, back and forth, exceed the sum of two hundred dollars? And yet the sum allowed approximates five hundred dollars.

Cases innumerable may be cited to show the oppressive nature of these burdens on County Treasurers. A score of criminal prosecutions might be mentioned, each of which has swallowed up a fourth of the annual revenue of a county. The criminal calendars of Washoe, Elko and Lincoln have doubled the taxes of the inhabitants therein. To them justice has been an expensive luxury.

A reduction of rates is of pressing necessity. The rewards of official service should be assimilated to the wages of labor, the cost of travel and the changed expense of living in the present day. There is a just medium between the ideas of eighteen hundred and sixty-one and eighteen hundred and seventy-five. The choice must be made speedily between overtaxed communities and overpaid officials.

RAILROAD SUBSIDIES.

There will be presented for your consideration several bills passed by the last Legislature from which I was constrained to withhold my approval. Several among the number were of the class commonly known as subsidy measures. Railroads projected to be built through the Counties of Lander, Eureka, Nye and Lincoln were the proposed beneficiaries. Other bills of the same general character with those under discussion received my assent. That such is the fact is a matter of serious regret to myself. It would now be pleasing to assert a course of unwavering consistency in this respect. The reflection is consoling, however, that no public treasury has yet disbursed a cent on account of the measures which became laws by my concurrence. The franchises conferred have lapsed, and the subsidies granted have long since expired by express limitation. The considerations of general convenience and public benefit which influenced me in a course which it was sincerely believed would redound to the best interests of the sections affected, furnish an apology and excuse, perhaps sufficient in themselves, for that which I now admit to be a sacrifice of vital principles.

Regarding the bills now suspended by reason of disapproval, in addition to the particular and special objections advanced in the messages of dissent now on file in the office of the Secretary of State, I beg leave to urge at present more general arguments against the principle upon which they seem to be based.

The ninth section of Article Eight of the Constitution inhibits in the plainest terms any donations or loans of money or subscriptions to the capital stock of any company, etc., except corporations formed for religious or charitable purposes. The succeeding section is equally positive in its prohibitions directed against inferior municipal corporations, denying such powers, with the single exception of the right to aid railroad companies. This reservation, it must be admitted, saves all question of the power of the Legislature to pass such laws. The question of public policy, of general interests, benefits and burdens, and of the common welfare yet remains for decision in every case. The power may be conceded without admitting the necessity or propriety of a contemplated measure. It would seem that the exception in favor of railroad compa-

nies is repugnant to the general scope of the sections. The exception is almost if not fully as broad as the rule. Railroad companies are almost the only subsidy seekers. They are the common mendicants of the age. No gift so large they will not implore; none so small they will not most thankfully accept. They claim a public character in a question of private right, a private standing when brought in conflict with public needs. Why should they not, of all others, have had their path to public coffers blocked by the fundamental law?

There is a sentiment, born of the increasing wisdom of plentiful experience, which has found loud expression in the councils of the people. It is that no further gifts or loans of lands, money or credit should be made by the Federal Congress, the Legislatures of States or municipal councils. It has found utterance in the declaration of principles of the national parties. The political organizations of many States have reasserted it. In nearly every case the declaration has been plain, blunt and unmistakable. In Nevada one party has affirmed the doctrine in its broadest sense. The other has asserted the principle with a qualification which, I am constrained to say, emasculates its force and takes away its title to respect. It may be said that these are topics within the lines of party strife, but without the domain of legislative discussion. In this I cannot agree. In my opinion party platforms are the substantial promises of political aspirants to the constituents whose votes they seek, and whom they wish to serve. They should be considered obligations of the highest rank, as binding upon the political conscience as the oath of office. They are promises made to be kept, not pledges made to be broken.

I might close here. It is generally sufficient to plead the public judgment in bar of any questionable practice. That which is condemned by the general verdict of the community might be considered beyond the pale of argument. If more were necessary to be said, much more remains to say. The history of legislation of this species in the Western States has been the history of corruption, in the Legislature, the Courts and the municipal governments. Its results have been plundered and overtaxed communities, exhausting litigation, and conflicts of opinion and authority between State and Federal tribunals. Public credit has suffered. Dishonored bonds by the hundred million flood the money markets of Europe. A panic of unequal severity has followed, leveling the financial structures founded upon these sands of dishonesty and folly.

Men seldom profit by the severe lessons of their neighbors. So it would seem to be with States. Experience is personal. Some one has wisely said that experience, like the stern lights of a ship, only illumines the track we have passed over. Shall we learn the lesson from the misfortunes of our neighbors, or continue to advance upon the same paths of ignorance and peril?

Events which have occurred since my message of disapproval was filed, justify a particular reference to another measure of this character. I allude to Senate Bill No. 190, "An act to amend an Act concerning Boards of County Commissioners in the several counties of this State," etc. The principal object of this bill was to make a gift of fifty-four thousand dollars, taxes accrued to the County of Washoe and State of Nevada, to the Central Pacific Railroad Company. Such a measure fulfils the most accepted definition of a subsidy. It was pressed upon the Legislature with the tireless pertinacity of a reluctant debtor. The principal cause for relief alleged was that a doubtful power had been used by public officers in treating with a tax-payer acting in good faith. The attempt was made to have the act done in pursuance of that assumed power confirmed. The

act to be confirmed was the payment of seventy-four thousand dollars in taxes with the sum of twenty thousand dollars in coin. The Commissioners assumed the authority to barter away the State's interest in the legally accrued revenue for a song. Of course this could not pass unchallenged. At the next term of the District Court the Grand Jury reviewed the action in warm and indignant protest. At every step the legal and financial representatives of the State ably and firmly denied the power and opposed the act.

The bill was passed and suspended by the objections of the Executive until the present day. Renewing their efforts, the State's legal advisers pushed the cases to trial. In each case, under the instructions of the presiding Judge, a verdict was given and judgment rendered for the defendant. Those instructions were to the effect that the attempted compromise was lawful and binding. An appeal followed, and the judgments were reversed. The Supreme Court held that the compromise was void, being made without the pretence of authority. Upon a second trial, verdicts and judgments passed in favor of the plaintiff in each case for the full amount claimed. A new trial was moved for and denied. Whatever of credit may accrue from these results, is due to the ability, the untiring effort and devotion to duty of the Controller, the retiring Attorney General and his legal associates. The cases are now pending upon a second appeal to the Supreme Court. Thus they stand at present. The foundation of doubtful authority upon which the defendants built their arguments of equities convincing to the legislative mind, has crumbled beneath them. The power which was doubtful, is no longer in doubt. It does not exist, it never existed. The cases are in the hands of a department of the government amply able to do justice between the Central Pacific Railroad and the State of Nevada. There they should remain. Your further action rests with yourselves. This bill is before you in its naked injustice. It is for you to decide whether you will invade the province of the Courts in a cause as repugnant as this to common decency and public justice.

FREIGHTS AND FARES.

The unanimous voice of the people of Nevada was expressed in their late political conventions in favor of a reduction of freights and fares upon railroads. That the inhabitants of this State are now paying higher rates of freight and fare upon public conveyances than those of any other portion of the world cannot be denied. Add to this fact, the well-known system of discriminations directed against Nevada upon all freights from the Eastern States, and the need of some measure of reform becomes apparent. From a question of private interest the question has ripened into an imperative public necessity. It does not require lengthy nor exhaustive discussion. The sources of accurate information should be demanded for examination. Upon the basis of knowledge thus acquired, proper and intelligent action could be taken. It remains but to add, that any measures intended to accomplish the indicated purpose will receive my hearty approval.

PARDONS GRANTED DURING THE YEARS 1873-4.

Prisoner, Charles M. Crosby; Court in which convicted, Second District; date of conviction, February 29, 1872; sentence, one year; date of pardon, January 9, 1873; crime, forgery; cause of pardon, expiration of

term of sentence and restoration to citizenship on account of good behavior.

Prisoner, Blas Portello; Court, First District, Storey County; date of conviction, December 15, 1870; sentence, two years; date of pardon, January 23, 1873; crime, assault with intent to commit murder; cause of pardon, expiration of term of sentence and restoration to citizenship on account of good behavior.

Prisoner, John Pendegast; Court, Sixth District, Lander County; date of conviction, April 18, 1866; term of sentence, imprisonment for life; date of pardon, January 28, 1873; crime, murder in the second degree; cause of pardon, the prisoner was a helpless cripple, in failing health. Further confinement would have caused his death. His conduct had been excellent, and in the judgment of the Board his punishment had been sufficient.

Prisoner, Angelo Lombardi; Court, First District, Storey County; date of conviction, June Term, 1869; term of sentence, eight years; date of pardon, March 4, 1873; crime, manslaughter; cause of pardon, good conduct and sufficient punishment.

Prisoner, William Curran; Court, First District, Storey County; date of conviction, January Term, 1873; term of sentence, one year; date of pardon, April 11, 1873; crime, assault with a deadly weapon; cause of pardon, "That the said offense was committed without premeditation, and under circumstances showing considerable provocation, after an attempt to retreat."

Prisoner, Don Altia Padia; Court, Seventh District, Elko County; date of conviction, September 7, 1872; term of sentence, one year; date of pardon, August 14, 1873; crime, assault with a deadly weapon; cause of pardon, expiration of term, and restoration to citizenship on account of good conduct.

Prisoner, William McGee; Court, First District, Storey County; date of sentence, October 1, 1872; term of sentence, one year; date of pardon, August 14, 1873; crime, grand larceny; cause of pardon, expiration of term, and restoration to citizenship on account of good behavior.

Prisoner, Joseph Oxford; Court, Sixth District, Lander County; date of sentence, November 28, 1872; term of sentence, one year; date of pardon, October 11, 1873; crime, grand larceny; cause of pardon, expiration of term, and restoration to citizenship on account of good behavior.

Prisoner, H. L. Robey; Court, First District, Storey County; date of sentence, January 16, 1873; term of sentence, one year; date of pardon, November 11, 1873; crime, assault with a deadly weapon; cause of pardon, good conduct and sufficient punishment.

Prisoner, John Berryman; Court, Sixth District, Lander County; date of conviction, March 17, 1873; term of sentence, one year; date of pardon, February 10, 1874; crime, grand larceny; cause of pardon, expiration of term, and restoration to citizenship on account of good behavior.

Prisoner, William Nehew; Court, Seventh District, Elko County; date of conviction, March 29, 1873; term of sentence, one year; date of pardon February 10, 1874; crime, felony; cause of pardon, expiration of term, and restoration to citizenship on account of good behavior.

Prisoner, Clement B. Lee; Court, Second District, Washoe County; date of conviction, January 17, 1873; term of sentence, five years; date of pardon, February 21, 1874; crime, assault to rob; cause of pardon, good conduct and sufficient punishment.

Prisoner, Daniel Matheney; Court, Eighth District, White Pine County; date of sentence, October 19, 1873; sentence, death, for murder in the first degree; commuted to imprisonment for life on December 15, 1873.

Prisoner, Frank Taylor; Court, Ninth District, Lincoln County; date of sentence, August 31, 1872; term of sentence, one and one-half years; date of pardon, December 29, 1873; crime, grand larceny; cause of pardon, expiration of term, and restoration to citizenship on account of good behavior.

Prisoner, Frank Mackey; Court, First District, Storey County; date of conviction, August 23, 1873; term of sentence, one year; date of pardon, February 27, 1874; crime, felony; cause of pardon, good conduct and sufficient punishment.

Prisoner, Robert Henry Duke; Court, Second District, Ormsby County; date of conviction, November 11, 1872; term of sentence, two years; date of pardon, February 28, 1874; crime, burglary; cause of pardon, good conduct and sufficient punishment.

Commutation of death sentence. Prisoner, William Summers; Court, Second District, Douglas County; crime, murder in the first degree; sentence, death, to be executed on December 31, 1874; sentence commuted on December 29th to imprisonment for life; cause of commutation, the youth of the prisoner, the fact that the crime was committed while in a state of intoxication, the absence of premeditation, and the well founded belief that the shooting was in some degree accidental.

Prisoner, John S. Triplett; Court, First District, Storey County; date of conviction, December 1, 1873; term of sentence, one year; date of pardon, December 1, 1873; crime, grand larceny; causes of pardon, "The extreme youth of the prisoner, the recommendation of the Grand Jury by which he was indicted, and the promises of his friends and relatives to use their utmost efforts toward his permanent reformation."

Prisoner, Amos Salmon; Court, Second District, Washoe County; date of conviction, November 27, 1870; term of sentence, five years; date of pardon, March 6, 1874; crime, grand larceny; cause of pardon, good conduct and sufficient punishment.

Prisoner, Tim O'Flaherty; Court, Eleventh District, Elko County; date of conviction, December 8, 1870; term of sentence, fourteen years; date of pardon, March 6, 1874; crime, assault to commit murder; cause of pardon, good conduct and sufficient punishment.

Prisoner, Henry Wilcox; Court, Seventh District, Lincoln County; date of conviction, October 11, 1873; term of sentence, one and one-half years; date of pardon, March 27, 1874; crime, grand larceny; causes of pardon, extreme youth, mental and physical ill health to such a degree as to render the prisoner nearly irresponsible.

Prisoner, R. A. Jones; Court, Second District, Washoe County; date of conviction, December 17, 1871; term of sentence, five years; date of pardon, March 27, 1874; crime, robbery; cause of pardon, good conduct and sufficient punishment.

Prisoner, C. R. Vincent; Court, Eighth District, Elko County; date of conviction, September 8, 1871; term of sentence, three years; date of pardon, April 9, 1874; crime, grand larceny; cause of pardon, good conduct and sufficient punishment.

Prisoner, Chris. Gearhardt; Court, Ninth District, Lincoln County; date of conviction, December 14, 1870; term of sentence, five years; date of pardon, May 5, 1874; crime, grand larceny; cause of pardon, good conduct and sufficient punishment.

Prisoner, George Mitchell; Court, Eighth District, White Pine County; date of conviction, March Term, 1873; term of sentence, one year; date of pardon, May 13, 1874; crime, house-breaking; cause of pardon, restoration to citizenship after expiration of term.

Prisoner, Charles Wray; Court, Eighth District, White Pine County; date of conviction, March Term, 1873; term of sentence, one year; date of pardon, May 13, 1874; crime, house-breaking; cause of pardon; restoration to citizenship after expiration of term.

Prisoner, Henry Smith; Court, Eighth District, White Pine County; date of conviction, March term, 1873; term of sentence, one year; date of pardon, May 13, 1874; crime, grand larceny; cause of pardon, restoration to citizenship after expiration of term.

Prisoner, Alfred Gandy; Court, Third District, Lyon County; date of conviction, March 1, 1873; term of sentence, two years; date of pardon, June 19, 1874; crime, assault with a deadly weapon; cause of pardon, good conduct and sufficient punishment.

Prisoner, C. F. Johnson; Court, First District, Storey County; date of conviction, October 29, 1873; term of sentence, two years; date of pardon, June 20, 1874; crime, assault with a deadly weapon; cause of pardon, good conduct and sufficient punishment.

Prisoner, James Turner; Court, Second District, Washoe County; date of conviction, October 28, 1872; term of sentence, two years; date of pardon, July 14, 1874; crime, grand larceny; cause of pardon, restoration to citizenship at expiration of term.

Prisoner, P. Duran; Court, First District, Storey County; date of conviction, December 14, 1872; term of sentence, two years; date of pardon, July 14, 1874; crime, assault with a deadly weapon; cause of pardon, good

behavior and sufficient punishment. Expiration of term within thirty days.

Prisoner, J. Hinkersoll; Court, Ninth District, Lincoln County; date of conviction, February 16, 1873; term of sentence, one and one-fourth years; date of pardon, March 3, 1874; crime, grand larceny; cause of pardon, expiration of term, and restoration to citizenship on account of good behavior.

Prisoner, George Eudas; Court, Sixth District, Eureka County; date of conviction, September 11th, 1873; term of sentence, one year; date of pardon, July 14, 1874; crime, manslaughter; cause of pardon, restoration to citizenship at expiration of term.

Prisoner, Daniel Glassett; Court, Sixth District, Lander County; date of conviction, January 26, 1872; term of sentence, three years; date of pardon, August 18, 1874; crime, assault with intent to murder; cause of pardon, restoration to citizenship at expiration of term.

Prisoner, Charles Boon; Court, Sixth District, Lander County; date of conviction, October 13, 1873; term of sentence, one year; date of pardon, August 18, 1874; crime, grand larceny; cause of pardon, restoration to citizenship at expiration of term.

Prisoner, Marion Pruitt; Court, Second District, Douglas County; date of conviction, October 28, 1871; term of sentence, five years; crime, house-breaking; second sentence for prison-breaking, for five years, from the expiration of previous sentence; both commuted to imprisonment until August 18, 1875; causes, youth, good behavior and sufficient punishment.

Prisoner, John Nagle; Court, First District, Storey County; date of conviction, October 29, 1873; term of sentence, one and a half years; date of pardon, August 20, 1874; crime, assault with a deadly weapon; cause of pardon, good behavior and sufficient punishment.

Prisoner, Thomas Hamilton; Court, Second District, Washoe County; date of conviction, October 26, 1871; term of sentence, two years; date of pardon, July 11, 1873; crime, grand larceny; cause of pardon, restoration to citizenship at expiration of term.

Prisoner, James Castello; Court, Ninth District, Lincoln County; date of conviction, August 11, 1873; term of sentence, one and a half years; date of pardon, September 17, 1874; crime, grand larceny; cause of pardon, restoration to citizenship at expiration of term.

Prisoner, William Hogan; Court, First District, Storey County; date of conviction, February 10, 1873; term of sentence, two years; date of pardon, November 21, 1874; crime, assault with a deadly weapon; cause of pardon, expiration of term and restoration to citizenship on account of good behavior.

Prisoner, Bradley Rogers; Court, Second District, Washoe County; date of conviction, June Term, 1874; term of sentence, six months in

County Jail; date of pardon, November 20, 1874; cause of pardon, good conduct and sufficient punishment.

Prisoners, Bill Blacksmithshop and Charlie Bishop (Washoe Indians); Court, Second District, Douglas County; date of conviction, May 20, 1874; term of sentence, five years; date of pardon, November 20, 1874; crime, robbery; cause of pardon, the good conduct of the prisoners during their imprisonment, and the sufficiency of their punishment for their own reformation and as an example to their race.

Prisoner, W. S. Ferguson; Court, Seventh District, Lincoln County; date of sentence, October 13, 1873; crime, assault and battery; sentence, one thousand dollars fine; fine remitted on December 17, 1874, on petition of nearly all the inhabitants of the town of Pioche.

Prisoner, Thomas Hall; Court, First District, Storey County; sentence, one year; date of sentence, February 15, 1874; crime, assault with a deadly weapon; date of pardon, December 17, 1874; cause of pardon, expiration of term and restoration to citizenship.

Reprieve. Prisoner, John Murphy; Court, Second District, Ormsby County; date of sentence, November 23, 1874; sentence—death—to be executed on December 18, 1874. Reprieved until December 28, 1874, in order to allow an inquisition into his sanity, after conviction, under section four hundred and sixty-eight of the Criminal Practice Act.

Prisoner, James Harrington; Court, Seventh District, Lincoln County; crime, murder in second degree; sentence, fifteen years; date of sentence, September 9, 1873; date of pardon, December 26, 1874; cause of pardon, previous good character, a petition signed by a large number of the most respectable citizens of Lincoln County, and the grave doubts which exist of his guilt of the offense for which he was convicted.

Prisoner, James F. Rhoades; Court, Third District, Esmeralda County, date of sentence, August 7, 1871; crime, arson, second degree; sentence, eight years; date of pardon, December 29, 1874; cause of pardon, evidence insufficient to justify a conviction.

It will be perceived from an examination of the preceding list of pardons, that the powers of the Board were exercised in twenty-one instances for the sole purpose of restoring convicts whose terms had expired to citizenship. In every case of this character a favorable report of the Warden of the State Prison in regard to conduct during imprisonment was received. In nineteen other cases convicts whose terms of imprisonment had from one month to many years to run were released. The pardons were granted upon mature consideration. The applications were supported by petitions, coupled with evidence of a satisfactory character, of sufficient punishment and progress toward reform.

CONCLUSION.

The end of a four years' term in the service of the State is at hand. Whatever of success may have been achieved in the administration of

public affairs during that time must be ascribed to the joint effort and unity of purpose toward the common good which has controlled the action of every member of the State Government. No one man has done it. Each should receive, each will be content with his deserved meed of praise. To every gentleman who has partaken with myself the cares and responsibilities of official life I desire to render my most grateful acknowledgments for valuable counsel and assistance in many emergencies.

The political lessons of the past two years are written upon the page of history. They are plain and to the point. They teach that there is a responsibility common to parties and persons. It cannot be shifted from the mass to the individual. Nor can the party conceal or defend the faults of its unworthy members. Over both there is a common destiny impending. Allegiance to party is no longer an indissoluble tie; to withdraw is no treason to principle. The independence of private thought and personal judgment on every question is now fully acknowledged. The movements of party leaders are no longer to be blindly followed. The convention and the caucus are no longer infallible. Honesty, devotion to duty and the conscientious fulfilment of pledges are the only safeguards amid the many trials and temptations which surround the incumbents of office.

The season of labor is at hand. Let us remember and acknowledge our obligations to the communities which we have been chosen to represent. Let us in our several stations proceed to the performance of our appropriate tasks with the desire and the fixed resolve to deserve the approbation of our constituents.

L. R. BRADLEY.