

# APPENDIX

TO

## Journals of Senate and Assembly

OF THE

TWENTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

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1905



CARSON CITY, NEVADA

STATE PRINTING OFFICE, - - - - ANDREW MAUTE, SUPERINTENDENT

1905

**STATE OF NEVADA**

**MESSAGE**

**OF**

**GOVERNOR JOHN SPARKS**

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**TO THE LEGISLATURE OF 1905**

**(Twenty-second Session)**



**CARSON CITY, NEVADA**

**STATE PRINTING OFFICE, : : : : ANDREW MAUTE, SUPERINTENDENT**

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# GOVERNOR'S MESSAGE.

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STATE OF NEVADA,  
EXECUTIVE DEPARTMENT,  
CARSON CITY, January 16, 1905.

*To the Honorable, the Senate and Assembly of the State of Nevada:*

GENTLEMEN: The Constitution provides that the Governor "shall communicate by message to the Legislature, at every regular session, the condition of the State, and recommend such measures as he may deem expedient." With this object in view I have the honor to submit the following:

## CONDITION OF STATE.

It is unnecessary to remind you that you have assembled under conditions highly conducive to public welfare and the future progress of our Commonwealth, and under circumstances most gratifying to our people. The many years of decline and depreciation have for the present disappeared, and we feel warranted in hopeful expectation for the future. This result is due to the bountiful distribution of Nature's mineral wealth and resources, heretofore dormant and undeveloped, which now attract the attention of investors from all parts of the world. Discoveries already made justify the conclusion that the State is possessed of inexhaustible mineral resources only waiting intelligent development.

Agriculture has flourished by reason of the unusual demand for supplies necessary to support the greatly increased population. Railroads have been built and others extended and improved to meet the demand for transportation and traffic. Probably the most important achievement for the benefit of the State during the last four years is the inauguration of the Government irrigation system for impounding and distributing the waste waters of rivers and streams for the reclamation of arid lands.

It must be regarded as very fortunate that we have had

public-spirited citizens and statesmen who have for years past given this subject careful thought and actual preliminary work such as to place Nevada among the States to receive the first benefits from the operation of the law. This State has been in active coöperation with the General Government in the effort to obtain correct data concerning the amount of water carried by our rivers and streams, amount of water appropriated by individuals, the capacity of irrigating ditches and the amount of surplus water which can be utilized for the reclamation of new and unproductive lands. This coöperation was authorized by the Legislature—Twentieth Session, 1901—by the creation of a State Board of Irrigation. The session of 1903 created the office of State Engineer, to be selected by the Secretary of the Interior and appointed by the Governor of this State. Mr. A. E. Chandler was selected and appointed to the position, and his report will be laid before you. It must be conceded that his labors have been exceedingly valuable in reconciling differences between claimants of water, and other matters necessary to be ascertained and understood.

In connection with this subject the question of individual appropriation seems to be the greatest obstruction to the successful adoption of the water storage systems throughout the State. Notwithstanding the Courts have declared that water must be used for beneficial purposes, many appropriators act upon the theory that they are entitled to all that their ditches will carry, no matter how wasteful it may be used or who may suffer thereby. The law, as it now stands, provides for the appointment of Water Commissioners to make apportionment of streams according to list of priorities recorded, etc. Aggrieved parties have the right of adjudication by the Courts, but court procedure is a very long, tedious and expensive method. The Government system of irrigation and distribution of water, as now contemplated, will give demonstration to the most economical use of water for irrigation purposes yet devised, and if this system shall become the law in a form not to encroach upon acquired rights and the necessities of prior appropriators, it will prove to be a benefaction of the greatest importance to the State at large.

#### STATE FINANCES.

After making the foregoing statement concerning the State

at large, it would surely be an incongruity to imagine that the financial condition of the several departments of the State Government should have languished and become irresponsible to the general trend of fortunate circumstances prevailing.

Happily it is unnecessary to make such confession, for the State never was in better condition financially than now. The economical measures, forced upon the management of State affairs during the business depression and depletion of population and wealth, are still in force by the authority of those who first formulated them, and will be continued for the relief of the taxpayers of the State in the future, in so far as is compatible with good and efficient government. Expansion and growth will require greater expenditure, but not so great as to stop the gradual reduction of taxation which is now being enforced.

The total valuation of the property of the State as assessed in 1904 is \$36,270,135.30.

**BONDS BELONGING TO THE SEVERAL STATE SCHOOL FUNDS—  
FACE VALUE.**

*State School Fund.*

Nevada 5 per cent Irredeemable Bond .....	\$380,000.00
Nevada 4 per cent Bonds .....	167,500.00
Massachusetts State 3 and 3½ per cent Bonds .....	685,000.00
United States 4 per cent Bonds .....	215,000.00
<b>Total .....</b>	<b>\$1,447,500.00</b>

*University Fund, 90,000-Acre Grant.*

Nevada 4 per cent Bonds .....	\$54,000.00
Massachusetts 3 and 3½ per cent Bonds .....	39,000.00
<b>Total .....</b>	<b>\$93,000.00</b>

*State University Fund.*

Nevada 4 per cent Bonds .....	\$33,600.00
Massachusetts 3 and 3½ per cent Bonds .....	2,000.00
<b>Total .....</b>	<b>\$35,600.00</b>
<b>Grand Total .....</b>	<b>\$1,576,100.00</b>

During the years 1903-1904 there were issued Nevada 4 per cent State bonds amounting to \$28,000 for the rebuilding of the State Orphans' Home. And for the period named \$23,000 of Nevada 4 per cent bonds were redeemed, constituting an increase of \$5,000.

The foregoing table demonstrates that the State of Nevada is

drawing interest on Government and Massachusetts State bonds to the value of \$941,000, and is paying interest on \$635,100 to the General School Fund. The interest collected and paid on said amounts is all distributed among the several counties for the purpose of paying teachers' salaries in the public schools, and for the support of the University. Therefore the interest paid on \$635,100 of State bonds can only be considered as a school tax. All of the bonds are owned by the State and all interest received inures to the State's benefit.

#### CASH STATEMENT.

Balance on hand January 1, 1903.....	\$280,394.08
Received during the year.....	507,248.46
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	\$787,642.54
Disbursed during 1903.....	458,887.59
	<hr/>
Balance on hand January 1, 1904.....	\$328,754.95
Received during 1904.....	545,171.08
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	\$873,926.03
Disbursed during 1904.....	479,089.41
	<hr/>
Balance on hand January 1, 1905.....	\$394,836.62

In review of the financial transactions for the past two years and conditions now prevailing with reference to the management of the State School Funds, I deem it proper to inform you concerning investments made, by order of the State Board of Education, since adjournment of the last session.

It is a matter of deep concern to the officers intrusted with the investment and control of this sacred inheritance, as the Constitution and laws have guarded the investment of the school funds of this State with rigid care and protection insuring their safety. As in all business concerns of life, both private and public, future events must be met and provided for to the best of our ability. The present Board of Education found in the custody of the State Treasurer \$685,000 Government 4 per cent bonds maturing 1907, commanding a premium of 10 to 11 per cent. The Constitution forbids the investment of school moneys in any security other than bonds of the United States, the bonds of this state, and the bonds of other States of the Union.

The bonds alluded to cost the State a premium of 7 per cent up to 22 per cent, and, if allowed to mature, would only return face value. After due investigation by the Board it was

decided to sell the United States bonds of 1907, realize the premium of 10 to 11 per cent, and invest the amount received in Massachusetts State bonds at a much less premium and a better rate of interest than could be obtained on the United States bonds by suffering the loss of premium. The result may be set forth as follows:

Six hundred and eighty-five thousand dollars, which, upon the best authority, as an investment, would produce interest amounting to 1.773 per cent per annum, was exchanged for \$537,000 of 3 per cent Massachusetts State bonds, and \$189,000 of Massachusetts 3½ per cent State bonds, making a conversion of \$685,000 United States bonds into \$726,000 Massachusetts bonds.

The State School Fund, being irreducible, creates difficulty in making investments from its constant accumulations, and the return in interest when invested in bonds bearing high premium is exceedingly small and involves the necessity of restoring to the original fund enough interest to make good all premiums paid, thus depriving the schools of the State from receiving interest money, which would otherwise be distributed to them.

#### NEVADA WAR CLAIMS.

During the War of the Rebellion the Territory of Nevada incurred a great expense in raising and equipping troops for service as volunteers in the United States Army. This expense was assumed and provided for by the State of Nevada when admitted into the Union in 1864, under the impression that the State would be reimbursed by the United States Government as soon as the claims could be reached in the ordinary course of adjustment.

After many years effort on the part of the State to recover the debt, it remains unpaid, and the taxpayers are compelled to continue the payment of taxes to meet the interest obligations thereon. Our representatives in Congress have repeatedly urged the allowance of said claims as a matter of justice, and are still giving their best endeavors to the accomplishment of this purpose, but so far without avail.

It is a matter of history, positively confirmed by the statutes of this State, as well as other evidence, that about twenty years ago Captain John Mullin was appointed State Agent or Attorney to present these claims at Washington,

and make collection if possible, on a contingent fee of 15 per cent on the amount obtained. This agreement was annulled by the Legislature of this State.

Information relating to this subject can be more correctly understood by incorporating herein correspondence and extracts from the voluminous record now on file of recent date. The amount of these claims now before the Court of Claims in Washington is \$470,414.18. The correspondence of Senator Stewart is given, but it is proper to state that Senator Newlands and Representative Van Duzer have been in full accord, and have favored this office with advice and information equally valuable and instructive:

UNITED STATES SENATE,  
WASHINGTON, D. C., December 7, 1903.

HON. JOHN SPARKS, *Governor of Nevada, Carson City, Nevada.*

DEAR GOVERNOR: I enclose you herewith a letter dated November 16, 1903, addressed to me by the Secretary of the Treasury informing me that the claim of the State of Nevada against the United States to be reimbursed by the United States for moneys expended by Nevada in behalf of the United States during the War of the Rebellion, was on that date duly transmitted by him to the United States Court of Claims for a finding and ruling as to the controverted questions of law and fact therein presented.

As a matter of judicial procedure in said Court, a duly verified petition must first be submitted to said Court by the State of Nevada reciting fully all the facts and the legal grounds upon which the State of Nevada relies and will rely in order to secure a favorable ruling and a proper finding, which petition will have to be signed by you as Governor of the State of Nevada, and wherein you will have to be duly represented by competent counsel to adduce evidence and to show to said Court all matters in any wise duly connected with said petition.

I respectfully suggest to you that Captain John Mullin and Mr. Jackson H. Ralston be named and duly appointed by you to prepare such a petition, and to represent and defend the interests of the State of Nevada before said Court in all the premises; Captain Mullin to be so appointed without being paid any compensation whatsoever outside of or in addition to the commission which the State of Nevada heretofore originally agreed to pay him, and Mr. Ralston to be paid by Captain Mullin such compensation as they may mutually agree upon, but without further cost to the State of Nevada.

Captain Mullin, who, at his own expense, has personally attended to all the phases of this matter before all the proper tribunals in Congress and the Departments, is perfectly familiar with all the facts, laws and history of the case and has been identified with said matter from the date of its inception to the present time, covering a period of over twenty-one years, and whose identification with the case, I respectfully submit should be continued (under the terms heretofore stated) until a finality therein is reached.

Mr. Jackson H. Ralston, learned in the principles of the laws which should control this case, distinguished at home and abroad, was agent and associate counsel for the United States at The Hague in the Pius Fund case, and more recently was selected by the United States as umpire at Caracas, Venezuela, South America, and several of the European Governments, wherein he



GOVERNOR'S MESSAGE.

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acquitted himself with great credit, and to the satisfaction of the United States.

Awaiting your early reply hereto, I am, Governor,

Very truly yours,

WM. M. STEWART.

[*Reply.*]

HON. WM. M. STEWART.

DEAR SIR: Yours of December 7, 1903, received wherein you recommend that "Captain John Mullin and Mr. Jackson H. Ralston be appointed by me to prepare a petition reciting fully all facts and legal grounds upon which the State of Nevada relies and will rely in order to secure a favorable ruling and a proper finding, and that they be named and duly appointed by me to represent and defend the interests of the State of Nevada before said Court in all the premises, Captain Mullin to be appointed without being paid any compensation whatsoever outside of or in addition to the commission which the State of Nevada heretofore originally agreed to pay him, and Mr. Ralston to be paid by Captain Mullin such compensation as they may mutually agree upon, but without further cost to the State of Nevada."

Now, after examination of the law with reference to Captain Mullin's original agreement and later statutes as to compensation, I am convinced that I have no power or authority to alter, amend or renew conditions in any wise affecting that agreement. As the State Board of Examiners has been designated as the contracting power on behalf of the State, I have consulted and am now acting merely as a member of said Board in this matter. A majority of said Board having decided as above, the question now presents itself as to what can be done covering the future. The Board has decided that Captain Mullin and Jackson H. Ralston are proper attorneys to represent the State of Nevada before the Court of Claims at Washington in the Nevada War Claims against the Government of the United States. It is therefore agreed that the said Captain Mullin and Jackson H. Ralston are appointed and will be recognized as attorneys to represent the war claims of the State of Nevada now pending before the Court of Claims at Washington, upon the following express conditions, namely: That after the above-mentioned service has been faithfully performed by said attorneys, the amount of compensation therefor shall be determined and fixed by the Legislature of the State of Nevada thereafter to be convened, and no liability shall attach to any member of the Board of Examiners or to the State of Nevada, except such as defined by legislative enactment, and in case no part of said claims is collected, demand shall not be made by said attorneys against the State of Nevada, or upon any department of the State Government of the State of Nevada, for compensation for said services.

Very respectfully,

JOHN SPARKS,

Governor.

WASHINGTON, D. C., February 15, 1904.

HON. JOHN SPARKS, *Carson City, Nevada.*

DEAR SIR: Senator Stewart has referred to Captain Mullin and myself your letter of recent date with regard to our employment in behalf of the State of Nevada, in the matter of its claim against the United States, before the Court of Claims.

We shall be pleased to accept such employment in the manner stated by you.

I enclose herewith power of attorney, which please execute in the form indicated, and return to me at your earliest convenience.

Yours, very truly,

J. H. RALSTON.

## IN THE COURT OF CLAIMS.

[Department No. 79.]

THE STATE OF NEVADA v. THE UNITED STATES.

[Extract from Petition.]

\* \* \* 16. That by Act of Congress approved March 3, 1899 (30 Stat. L. 1206), the Secretary of the Treasury was directed to investigate "the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War," with the interest actually paid thereon and to report his findings to Congress.

18. On January 18, 1900, the Secretary of the Treasury reported to Congress his findings made in pursuance of the direction of said Act of March 3, 1899. This report was that the amount, including interest, expended up to June 30, 1899, was \$412,600.31, and the interest subsequently paid, assuming a certified statement of the State Comptroller to be correct, was \$58,401.27, of which the State had been reimbursed \$8,559.61 on April 10, 1898.

19. On February 14, 1902, in an appropriation bill paying claims of Maine, Pennsylvania, New Hampshire, and Rhode Island for expenses incurred under the Act of July 27, 1861, Congress provided that claims of like character arising under said Act, as interpreted by the Supreme Court in the case of *New York v. United States*, not theretofore allowed, or theretofore disallowed, should be referred, examined and allowed, and, if deemed necessary, transmitted to the Court of Claims for findings of fact and law. (32 Stat. L. 30.)

20. That on May 27, 1902, Congress enacted that "the claim of the State of Nevada for costs, charges and expenses properly incurred by the Territory of Nevada for enrolling, \* \* \* paying \* \* \* its troops employed in aiding to suppress the insurrection against the United States, War of 1861 to 1865, under the Act of Congress of July 27, 1861, and joint resolution of March 8, 1862 as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896, not heretofore allowed or heretofore disallowed, shall be reopened, examined and allowed, and if deemed necessary shall be referred to the Court of Claims for findings of fact or determination of disputed questions of law, to aid the settlement of the claims by the accounting officers."

21. That in pursuance of said Acts the Honorable Secretary of the Treasury, on November 16, 1903, transmitted to this Court the claims of said State as above described, presenting for determination the following questions of mixed fact and law:

(1) Under the Act of May 27, 1902 (32 Stat. 235, 236), what classes of expenditure should be allowed the State of Nevada, and in what amount?

(2) Under the Act of February 14, 1902 (32 Stat. 30), what classes of expenditures should be allowed the State of Nevada, and in what amount?

(3) What sums properly expended by the State or Territory of Nevada were paid by bonds or from funds realized from sales of bonds, and what were the expenses in connection therewith, and what interest was paid thereon?

*Wherefore the Claimant Prays:*

1. That in response to the above interrogatories this Court may make a finding of facts showing the expenses incurred and disbursements made as set forth in the foregoing paragraphs of this petition, and as a matter of law adjudge that the same were properly made under the authority of the Act of Congress approved July 27, 1861, and Acts and resolutions amendatory thereto.

2. That it will report its findings and the amounts so due the claimant to the Honorable Secretary of the Treasury.

3. That the petitioner may have such other and further relief as justice and the exigencies of its case may require.

#### THE ST. LOUIS LOUISIANA PURCHASE EXPOSITION.

The last Legislature made an appropriation of \$20,000 for the purpose of exhibiting the products of Nevada at this greatest of all displays, characteristic of human ingenuity and progress. A Board of Commissioners was created, the Governor being one, with power to appoint two additional Commissioners. In compliance therewith Honorable J. A. Yerington and Honorable C. H. E. Hardin were appointed and commissioned as members. Upon organization the Governor was chosen Chairman, C. H. E. Hardin, Secretary, and James A. Yerington, General Manager, with full power to manage and control the expenditure of all funds drawn from the Treasurer by authority of law, which were placed at his disposal, and will, no doubt, be fully accounted for by him, all vouchers having been drawn by him against said funds. The appropriation being small, grand elaboration could not be indulged in, but State pride was sufficient incentive to bring forth our best endeavors in advertising to the world the resources and opportunities available to all who desire to engage in their development. Immediately after the organization of the Board, Commissioners Yerington and Hardin began the work of collecting and preparing material for the exhibit. This entailed both labor and expense, but was accomplished in time for the opening of the Exposition.

From the complimentary expressions of President Francis with reference to our display and the letter from Commissioner Yerington, which will appear in this message, the conclusion, we hope, will be accepted that the appropriation has been in fact honestly and efficiently applied, and that Nevada will be benefited far more than the cost of placing the exhibit in order on the grounds.

NEVADA STATE COMMISSION, ST. LOUIS.  
CARSON CITY, NEVADA, JANUARY 10, 1905.

HON. JOHN SPARKS, *Governor, Carson City, Nevada.*

DEAR SIR: I have the honor to inform you, as President of the Nevada State Board of World's Fair Commissioners, that the Nevada State exhibit has been returned, and in due course of time will be properly distributed to the respective owners.

Nevada's participation at the World's Fair, although, as you are aware, fraught with many difficulties to be overcome, owing to the inadequacy of our appropriation, was, nevertheless, a most successful one, and probably

no State in the Union received more kindly consideration at the hands of the Administration than did Nevada, and I have no hesitancy in stating that the State has not only received the benefits of favorable advertising through having made an exhibit of its natural and industrial resources, but has placed itself before the world as a State with the greatest of possibilities.

I am now busily engaged in preparing my report in order that it may be submitted by yourself to the Legislature, after having been acted upon by the State Board of World's Fair Commissioners.

Through most economical and conservative management the deficiency of the appropriation will not be as large as was contemplated when the appeal sent out by the State Board to the citizens for financial aid, and I sincerely trust the Legislature will not hesitate in making a proper appropriation for meeting this deficiency. I firmly believe that when a comparison is made as to the appropriations of various States surrounding us, and the amounts of their deficiencies before their respective Legislatures, that the people of Nevada will feel proud of the prominent part Nevada has taken at the greatest Exposition known in the history of the world.

I have the honor to remain,

Most respectfully,

J. A. YERINGTON,  
Executive Commissioner.

#### THE STATE CAPITOL WATER WORKS.

In pursuance of the legislative enactment of 1903, appropriating \$6,000 for the purpose of securing an additional supply of water for the Capitol grounds and Orphans' Home, the Board of Capitol Commissioners was empowered to purchase said water, or land carrying with it a good title, and "shall not purchase said property until the Attorney-General has examined the title and found it without flaw. The Board shall diligently examine any source of supply for sale and engage a competent person to investigate the flow of water, and all conditions incidental to said water supply."

The State Board of Capitol Commissioners did diligently examine the sources of water supply for sale, and obtained from the State Engineer measurements made by the Government, defining the flow incidental to the streams measured. After the sources of supply and amount of flow were determined it was apparent to the members of the Board that no adequate supply could be obtained at times when the State actually required its use.

The State has never been short of water for more than two or three months dating from the middle of July to the middle of October, and the same condition of affairs occurs with the offerings for sale. Therefore, but little relief could be obtained by absolute purchase of land and water rights.

The question of boring an artesian well was thoroughly dis-

cussed, but the risk of spending the money appropriated upon an uncertainty of obtaining the supply as defined in the statute was too great to be assumed by the Board. To meet the demand for more water at the particular time needed, negotiations were opened with the Virginia and Gold Hill Water Company for the purchase of water at such times as the State may require, and in quantity not exceeding ten inches, at the rate of \$20 per inch per month for the time when the Company's water is used. This necessitated a connection with the Virginia and Gold Hill Water Company's main, which was distant from the State pipe line 4,125 feet. The purchase of pipe, laying and completing the connection, cost the State about \$1,400. The purchase of water to supply the State last year was about \$350, and the balance of the appropriation was unexpended.

It is the unanimous opinion of the Board that an appropriation should be made for the purpose of boring an artesian well on the Capitol grounds to the depth of one thousand feet, or more, if necessary, to demonstrate the possibility of obtaining artesian water in quantity, as well as to encourage other communities and citizens, if successful, to use the same method of securing a water supply from subterranean channels.

There has been returned as unexpended from the \$6,000 appropriation \$4,250. In the opinion of the Board an appropriation of at least \$10,000 should be made to bore for artesian water, or used for the enlargement of the present reservoir, as the water supply is entirely inadequate for the protection of the Capitol Building, State Orphans' Home, and State Printing Office in case of fire. Gravity pressure would be almost immediately exhausted in such an emergency. The fountain head and the present reservoir are absolutely insufficient.

#### MILITIA.

This department of our State Government requires your immediate and earnest attention.

The law of Congress, approved January 21, 1903, requires that the "organization, armament and discipline of the organized militia of the several States and Territories and in the District of Columbia shall be the same as that which is now, or may hereafter be, prescribed by the Regular and Volunteer

Armies of the United States, within five years from the date of approval of this Act."

This requirement can be complied with by following the suggestions, as near as practicable, embodied in War Department circular, to be found on pages 13 to 51 in the Report of the Adjutant-General of Nevada, dated December 31, 1904.

In his annual report for the year 1903 the Acting Adjutant-General of the Army, on page 114, states: "The appropriation made by Section 1661, Revised Statutes as amended, \* \* \* will be apportioned among the several States and credited to them on the books of the War Department, except such portion as, in the discretion of the Secretary of War, may be allotted to the Territories and the District of Columbia.

"The allotment to any State will not be available for use until a satisfactory return has been made to the Secretary of War showing that the State has the number of 'regularly enlisted, organized and uniformed active militia' specified in Section 2 of said Act of February 12, 1887."

Said Section 2 fixes the minimum number of enlisted, organized and *uniformed* active militia at one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. At the present time the number organized is but 149.

The men are not, and since enlistment have not been, and cannot be uniformed except at the expense of the State.

Unless you consider it desirable to disband and muster out of service the militia, the necessity of carrying out the suggestions of the Secretary of War and the recommendations of the Adjutant-General, made on pages 13 to 51, and 11, 52 and 53 of his report, seem imperative.

It is to be hoped that State pride will induce our citizens, with your aid, by proper and encouraging legislation, to prevent Nevada's being placed in the position of the only State in the Union without organized militia and deprived of Federal assistance for its support.

#### RAILROADS.

For the first time in the history of Nevada prospective railroad building begins to meet general favor with the great magnates engaged in transportation, and it is not beyond reasonable expectation to predict the construction of railroads

not only as trans-continental extensions, but that will radiate in all directions, thus connecting hitherto remote districts and completing a system of transportation long hoped for by our people. This is an age of enterprise and progress, but it requires facilities for intercourse to accommodate business. Our natural and undeveloped wealth will bring railroads, and business will follow.

It is, therefore, highly important that encouragement be given to the promotion of this enterprise, by adopting a fair and liberal policy of taxation, and also by enacting laws giving full and safe protection. This accomplished, taxable property will increase, cities will be built which will become terminals, and, naturally, transportation charges will be reduced. More main lines will produce more branches reaching undeveloped regions in our State. It is a fact that railroads are the developers of all new countries, and especially contribute to the success of mining districts.

The last two meetings of the State Board of Assessors have shown a very conservative disposition in favor of railroad assessments, and other classes of property throughout the State.

As an illustration, the San Pedro and Los Angeles Railroad running through Lincoln County for a distance of about 200 miles will so benefit the county as to enable it, in a few years, to be relieved from a very burdensome bonded debt now hanging over it.

#### **MINING INSPECTOR.**

It has been frequently suggested that a State Mining Inspector be appointed. The reasons advanced are that a proper inspection by a duly authorized officer would be effective in the preservation of health and life, and would have a tendency to prevent many casualties, and be a protection to mine owners. By giving this subject due consideration you will favor the desire of miners and others interested.

#### **LIVE STOCK.**

It came to my knowledge some months ago that there is a very dangerous disease spreading in our neighboring States, Nebraska, South Dakota, Wyoming, and Idaho, called mange, which disease affects horses and cattle, and as we are purchasing many cattle in the States mentioned for breeding and feed-

ing purposes, which are being shipped into our State, and, as it is a foregone conclusion that we have in this State more or less anthrax, or black-leg, principally confined to dairy herds and other cattle confined in small enclosures, we have had considerable trouble during the last two years in different localities, mainly in the western part of the State. As we have no State Veterinarian, or inspector of diseases, and no appropriation for paying for the service of a competent veterinarian, we find it very difficult to obtain the services of skillful men in this profession to make investigations and reports. It is absolutely necessary that this State should have a State Veterinarian, and a law passed fixing a reasonable salary, the appointment to be made by the Governor or some State Board, and making it his duty to inspect all classes of live stock. Other States mentioned have laws compelling the dipping of all cattle except for immediate slaughter. The construction of vats and appliances necessary for dipping cattle and horses is very expensive. It is therefore important that the spread of this disease should be guarded against by every possible means, on account of the enormous expense of preparing vats and dipping corrals.

The revenue obtained from the live stock industry of this State discloses the fact that it is one of our main industries, and it should be protected.

#### IRRIGATION BY ARTESIAN WELLS.

It is now an established fact that the system of water storage and distribution of surface water for irrigation purposes is aided by the Government of the United States, and as yet has been beneficially applied to but two or three counties which have received all the benefits of this immense appropriation, by reason of having watersheds from which to draw their supply.

There are several counties in the State which have not been favored with surface water. These counties contain a large acreage of rich desert land, which this vast appropriation now being used in the construction of canals and reservoir sites can never benefit. Counties so situated should have encouragement in the reclamation of such lands by Government aid in boring for artesian water. It has been demonstrated in many places that strong flows of artesian water have been obtained at depths of from 150 to 500 feet. The



expense of boring for artesian water is not to be compared with the enormous expense of building reservoir sites and canals.

Our representatives in Congress should be appealed to by the Legislature for assistance from the General Government in promoting this very beneficial and desirable undertaking. As President Roosevelt has been very liberal in his recommendations to Congress for the passage of irrigation measures, we feel confident that he would give this matter close consideration, if properly presented to him.

#### STATE LAND CONTRACTS.

As shown in the report of the Surveyor-General, there are many State land contracts nearing maturity, at which time the State must receive payment in full, and issue patents to the lands. Many contractors are paying up and getting patents rather than to continue paying the high rate of 6 per cent interest demanded in the contract. The money when received must be paid into the State Treasury for other investments. The State Board of Education finds it almost impossible to reinvest this money in other State bonds that would net more than 3 per cent per annum. Government bonds will not net over 2 per cent. From this showing it is apparent that a law should be passed reducing the rate of interest on land contracts from 6 per cent to 4 per cent, and extend the time of maturity to ten years.

This suggestion is made, hoping that due consideration will be given. This matter has been discussed in former sessions of the Legislature without success, but conditions have changed, and the old contracts are nearing maturity, and final settlement must occur, and in many cases may embarrass the contractor.

The application of such a law would certainly be an inducement to contractors to renew their contracts, and the investment would be kept within and under State control, based on the very best security drawing a much higher rate of interest than can be obtained on other investments under the Constitution.

#### CLAIM OF ALFRED CHARTZ, JAMES R. JUDGE AND TRENMOR COFFIN AGAINST THE STATE OF NEVADA.

This claim has been brought to my notice, and while it is

conditional and subject to the will of the Legislature, it is proper to state that the services were honestly performed, and it certainly becomes a matter of recognition in your body.

The preceding administration made the agreement, but it is evident, however, from the nature of the agreement that the parties rendering the service relied upon and believed the Legislature would fulfil the obligation as a matter of justice. Your attention is respectfully called to the subject. Agreement following:

WHEREAS, The Southern Pacific Railroad Company has brought suit against William Kinney and thirteen others, acting as a Board of State Assessors, in the Circuit Court of the United States, Ninth Circuit, District of Nevada; and

WHEREAS, Said Assessors have been enjoined by order of Court from acting in pursuance of law in such case made and provided; and

WHEREAS, The Governor, Attorney-General and State Controller of the State of Nevada, constitute a legally organized Board to enforce the collection of revenue and prosecute delinquents, with certain defined powers and duties; and

WHEREAS, Said last-mentioned Board deem it necessary to defend said action and to employ additional counsel for that purpose:

*Now, therefore, these presents witnesseth:* That said last-mentioned Board have employed and do hereby employ James R. Judge, Trenmor Coffin and Alfred Chartz as associate counsel to the Attorney-General of the State of Nevada to defend said action in said United States Circuit Court, and as compensation for all their services in defending said action in the United States Circuit Court, do hereby on the part and on behalf of the State of Nevada agree to pay each of said additional counsel the sum of one thousand dollars as follows:

The sum of \$250 each as a retainer upon the first meeting of the Board of Examiners in July, 1901, and the further sum of \$750 each, if the same is allowed and approved by the Legislature of the State of Nevada to meet at its Twenty-first Session, which said payment said Board will recommend to be made under and by virtue of proper appropriation therefor.

It is mutually understood and agreed that if said Legislature fails to appropriate, or if any subsequent Legislature fails to appropriate, moneys to pay said sum of \$750 for each of said additional counsel, that said Board, nor any individual member thereof, shall not be held responsible for the payment thereof.

It is further mutually understood and agreed that in the event said action as aforesaid and now pending in the said Court shall be dismissed or abated without actual trial thereof, then and in that event said payment of two hundred and fifty dollars for each of said additional counsel shall constitute and be full payment for all their said services to date of settlement or abatement of said action, and for all services performed by them in said action to date.

IN WITNESS WHEREOF, The contracting parties hereto have set their hands and seals, this 29th day of June, 1901.

REINHOLD SADLER, [SEAL]

SAM. P. DAVIS, [SEAL]

W. WOODBURN. [SEAL]

State Board for Enforcing the Collection of Revenue and to prosecute delinquents.

We, the undersigned, agree to the foregoing terms.

JAMES R. JUDGE, [SEAL]

ALFRED CHARTZ, [SEAL]

TRENMOR COFFIN. [SEAL]

Additional counsel employed to enforce the collection of revenue and to prosecute delinquents.

#### STATE UNIVERSITY AND COMMON SCHOOLS.

These institutions, fostered by both Government and State, are not only the bulwarks of liberty, but stand for higher civilization and progress.

With this view in mind, it becomes a duty, not only of patriotism, but self-interest, to sustain by every available means their usefulness to the highest perfection.

The public schools seem to be giving great satisfaction to both parents and pupils, and qualifications for higher branches are well sustained when examinations are made for advancement.

The Superintendent of Public Instruction has prepared a report detailing their condition, and will make such recommendations as he may deem expedient, and to which your attention is respectfully invited.

The State University has acquired an enviable reputation, both at home and abroad, as an institution for instruction in higher education and special training for usefulness in life. It is to be hoped this standing will be sustained in the future as in the past.

The Board of Regents and the President of the University have made very elaborate reports, to which your attention is respectfully invited.

The recommendations for future support by appropriations may seem large, but, if carefully considered by you, it will most probably be discovered that, to sustain the institution and maintain its excellence, the requests are not extravagant, but reasonable in every particular. The building appropriations asked for may be necessary and should be constructed. This seems to be the opinion of the Board of Regents now in office, and their recommendations are hereby submitted to you for your consideration.

#### STATE LEVY.

It is impossible at this time to make a correct apportionment of taxes for the next two years, as the amount of appropriations to be made by the Legislature for the support of the

State Government during the time named is unknown at this time. It is very desirable, however, that action should be taken to approximate the amount as near as possible and fix the rate, rendering the collection of personal property tax uniform. If the appropriations are not unusually large, it is quite probable that a reduction of the State rate may be safely made.

#### **DEFICIENCIES.**

There have been quite a number of deficiencies allowed by the State Board of Examiners during the years 1903 and 1904. It is very desirable that these claims be taken up at an early date, as some of the claimants have been waiting for a long time and are anxious to receive their money.

#### **STATE INSTITUTIONS.**

Alluding to State institutions, the reports of the Superintendents will give you a better conception of their operations than anything that could be given in this message. That they have been faithful in the performance of their several duties cannot be questioned by fair-minded persons.

#### **STATE ORPHANS' HOME.**

This institution has labored under many difficulties during the last two years, but the Superintendent and Matron have tenderly cared for the little wards of the State with the solicitude of parents, and have surrounded them with all comforts possible.

#### **STATE PRISON.**

The State Prison has been conducted in a manner reflecting credit on the Warden and force employed. Vigilance has been exercised and discipline enforced with firmness and decision at all times, but tempered with kindness and mercy in all cases consistent with the safe-keeping of the inmates and the discharge of public duty.

#### **INSANE ASYLUM.**

The Hospital for Mental Diseases has been managed in a humane manner, and everything possible has been done to relieve the distress of the unfortunate inmates.

#### **STATE PRINTING OFFICE.**

Under the able and efficient management of the Superin-

tendent and employees this office is certainly entitled to the highest commendation.

The Superintendent has made a complete report showing the operations for the two years, and it will be seen that the business of the office has increased greatly, but the economy practiced has prevented a deficiency. The suggestions made therein, if granted by your honorable body, will result to the advantage of the State.

The State officers, one and all, can be recommended for the efficient management of their several departments and the valuable services rendered to the State by courteous attention to those who have had occasion to transact business with them.

A study of the several reports submitted will be of advantage in the course of legislation.

Respectfully submitted,

JOHN SPARKS,  
Governor.