

THE
JOURNAL OF THE ASSEMBLY

DURING

THE SECOND SESSION

OF THE

Legislature of the State of Nevada,

1866,

BEGUN ON MONDAY, THE FIRST DAY OF JANUARY, AND
ENDED ON THURSDAY, THE FIRST DAY OF MARCH.



CARSON CITY:
JOHN CHURCH, STATE PRINTER.
1866.

SECOND DAY.

TUESDAY, January 2, 1866.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called, and a quorum present.

Absent—Mr. Lane.

On motion, Mr. Prince came forward and took the oath of office.

On motion of Mr. Mayhugh, the reading of the minutes of yesterday's proceedings was temporarily dispensed with.

Mr. Haskell moved that the printed rules of the last session be temporarily adopted for the guidance of the House.

Mr. Mayhugh offered an amendment thereto, upon which

Mr. Clemens offered a substitute.

Mr. Glover then came forward and took the oath of office.

Mr. Fisher moved that the whole subject matter under discussion be laid on the table.

Carried.

Mr. Hinckley moved that a committee of five, on Standing Rules, be appointed.

The previous question was called, and sustained Mr. Hinckley's motion.

Carried.

On motion of Mr. Fisher, "Jefferson's Manual" was adopted temporarily, for the guidance of the House, until further ordered.

The House then proceeded to the election of Sergeant-at-Arms.

Mr. Gaige nominated H. P. Burnham, of Douglas.

Mr. Wood nominated George Sherman, of Storey.

Mr. Elliott nominated James Showers, of Storey.

Mr. Grey nominated Patrick Donnelly, of Storey.

Mr. Bearss nominated R. T. Smith, of Storey.

Mr. Vandewater nominated Thomas M. Carson, of Storey.

The roll was called, with the following result:

For Mr. Burnham—Messrs. Beck, Canfield, Clemens, Edwards, Fisher, Gaige, Haskell, Hayden, Hinckley, James, Julien, Linn, Mason, Munckton, O'Neil, Prince, Williams, and Mr. Speaker—18.

For Mr. Sherman—Messrs. Crawford, Cutter, Grey, Glover, Hudson, Ingham, Mayhugh, Taylor, Walton, Wood, and Work—11.

For Mr. Showers—Messrs. Elliott, Hall and McDougall—3.

For Mr. Carson—Messrs. Vandewater and Woodruff—2.

Mr. Burnham having received a majority of all the votes cast, was declared duly elected.

For Assistant Sergeant-at-Arms, Mr. Mayhugh nominated L. L. Demming, of ———.

Mr. Edwards nominated George Chedic, of Ormsby.

Mr. Grey nominated Mr. Rafferty, of Lyon.

The roll was called, with the following result:

For Mr. Demming—Messrs. Bearss, Beck, Canfield, Cutter, Elliott, Fisher, Gaige, Hall, Haskell, Hayden, Hinckley, Ingham, Julien, Linn,

The previous question, having been called, was sustained.

The question now being, "Shall the whole subject matter be indefinitely postponed," the yeas and nays were called for by Messrs. Cutter, Grey and McDougall, and the roll was called with the following result :

In the affirmative—Messrs. Clemens, Crawford, Cutter, Edwards, Fisher, Grey, Glover, Hinckley, Hudson, Ingham, James, Linn, Munckton, McDougall, Taylor, Vandewater, Walton, Wood, Woodruff, and Work—20.

And in the negative—Messrs. Bearss, Beck, Canfield, Elliott, Gaige, Haskell, Hayden, Julien, Mason, Mayhugh, O'Neil, Prince, and Williams—18.

Carried, and the whole subject matter indefinitely postponed.

REPORT OF COMMITTEE.

Mr. Crawford, from the special committee appointed to wait on the Governor, reported as follows :

Mr. Speaker :

Your committee, appointed to wait on his excellency the Governor, to inform him that this House was organized, and ready to receive any communication that he might have to make to this body, beg leave to report that we have performed that duty, and were informed by his excellency that he would transmit his annual message immediately.

CRAWFORD,
Chairman.

GOVERNOR'S MESSAGE (See App. No. 1).

Mr. Edwards offered the following resolution :

Resolved, That one thousand copies of the Governor's Message be printed for the use of the Assembly, and be equally distributed among the members of such body.

Pending which, on motion of Mr. Haskell, the House adjourned at three o'clock P. M., until to-morrow at eleven o'clock A. M.

APPROVED: JAS. A. BANKS, Speaker.

U. E. ALLEN, Clerk.

THIRD DAY.

WEDNESDAY, January 3, 1866.

House met, pursuant to adjournment, at eleven o'clock A. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

APPENDIX.

ANNUAL MESSAGE

FROM

GOVERNOR H. G. BLASDEL.

MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }
CARSON CITY, January, 1866. }

Gentlemen of the Senate and Assembly:

You have convened, as the representatives of the people of this State, to consider and act upon many important subjects. We should, at all times—but more especially on occasions like the present—humbly acknowledge our dependence on Almighty God, and invoke His blessings on our labors, remembering that “He holds in His hand alike the destinies of nations and of men.” Again, it is made my duty, by the constitution, to communicate to you, by message, the condition of the State, and recommend such measures as I may deem proper.

FINANCES.

Owing to the fiscal year ending on the 31st of December, and the Treasurers of the counties being allowed until the 27th of that month to make their final settlements with the State Treasurer and Controller, the latter officers have been unable to lay before me their “Annual Reports.” I will transmit them to your honorable bodies as soon as received. They have, however, furnished enough to show that the total receipts, during the fiscal year, 1865, from all sources, were about \$465,000, and total disbursements about \$413,000. The total debt of the State, at this time, including that assumed for the Territory, is about \$436,500. Of that amount there is payable this year, on January 10th, \$60,000; February 1st, \$49,000; July 1st, \$5,775, and August 1st, \$11,250. Total, \$126,025. Appropriations to defray the civil expenses of the State Government during this year should be made, say, as follows: For the salaries of the Supreme Judges, their contingent expenses, and those of their clerk, \$24,000; for State Prison, to include outstanding warrants, \$25,000; for Legislative expenses, including about \$2,000 deficit of last year, \$32,000; for care of the Insane, \$2,000, and for all other current expenses, including State Printing, salaries of State officers, etc., \$85,000. This last named amount may include about \$10,000 outstanding warrants on the General Fund. It may become necessary to secure a temporary loan of, say, \$150,000, to meet our more immedi-

ate wants. This may be done by the issuance of bonds, bearing a rate of interest, payable semi-annually, sufficient to insure their disposal at par, to run not longer than one year. I further suggest that the negotiation of a loan be authorized for an amount sufficient to pay all indebtedness of the State not otherwise provided for at the time of obtaining such loan—the bonds to run, say, ten years; bear interest at not exceeding ten per cent. per annum, payable semi-annually—the payment of interest to be met by funds set apart from our annual revenues; and a sufficient sum, also, to be set apart each year to pay one tenth of the principal. If the holders will surrender bonds at not exceeding their par value, the Treasurer to pay them; if not, to invest the funds set apart for that purpose in United States securities—thus insuring the payment of the entire principal and interest within the prescribed period. By adopting this, or some similar plan, our finances can be placed and kept on a cash basis, and our entire indebtedness be paid within a reasonable time, without onerous taxation.

ECONOMY.

I consider it my duty to suggest to you the propriety of a short session, and the transaction of such business only as you may find actually indispensable. In our present financial condition it behooves us, as the faithful servants of the people, who have honored us with the positions we hold, to observe the strictest economy. The Constitution limits your sitting to sixty days; and if continued so long, taking as a basis the expenses of the last Legislature, would cost little less than sixty thousand dollars; but from your known habits of economy, and diligence in business, you can doubtless accomplish all that is necessary in less than half the time so contemplated, and make the large saving to the State of thirty thousand dollars or more. The Legislature will meet again so soon that much which might be convenient and advantageous, can be dispensed with until then, at which time I hope our finances and an extended knowledge of our necessities will justify more thorough legislation. Then, let us economise to the utmost of our ability.

ELECTIONS.

The Constitution requires that you provide, by law, for the election of all State, Legislative and County officers, and a Member of Congress. It also provides that County Recorders, elected under the provisions of a law to be passed, shall be ex officio County Auditors. I refer you to section thirty-two, of article four, of the Constitution, on this subject. I also suggest that you provide for our Congressman to be elected in 1866, and every two years thereafter; otherwise our State cannot have a voice in the organization of the House of Representatives, and many other important matters; and in cases of called or special sessions of Congress, we would be without a representative. If you provide thus, and for the election of Constables, at the general election in 1866, and biennially thereafter, and for the election of Justices of the Peace in 1868, and at like periods thereafter, there will be no necessity for any election in the alternate years, unless a vacancy occur in our Congressional representation, to supply which, you should provide for a special election. This would also result in great economy. To do this, however, the term of the Justices now in office must be extended one year. If you do this, there will be regularity and uniformity in the election of

all officers. You should also give efficiency to the provisions of section four, of article five, of the Constitution, by constituting the Justices of the Supreme Court a State Board of Canvassers, to canvass the election of all State officers and Congressman; and regulate, by law, the transmission of election returns to the Secretary of State. Provisions should also be made for the soldiers to participate in our elections, and for the returns and canvass of their votes, as contemplated by section three, of article two, and section fourteen of the "Election Ordinance," of the Constitution. Much inconvenience is experienced under existing regulations. I call your special attention to the last sentence of section three, article fifteen, of the Constitution. And, while upon this subject, I deem it my imperative duty to recommend the passage of an Act prohibiting the retailing and giving away of any kind of intoxicating drinks, to be used as a beverage, on the day of any election, within one mile, or less, of any place of voting. When it is considered that every voter is called upon, on those occasions, to exercise the most exalted privilege, and discharge the most important political duty of a freeman, the necessity of strict sobriety, sound judgment, peace and good will, is at once apparent. But the excesses of that day too frequently lead to various crimes, murder not excepted. Let us clear our skirts of all blame in the premises.

REGISTRY ACT.

The results sought by an Act of this character were well attained by the one passed last year. It provides for the legal ascertainment of those who should vote; it prevents all others from doing so, and the dishonest from voting where they ought not, and oftener than they should; it does away with the necessity of challengers at the polls; it prevents that undue excitement at voting places which frequently ends in breaches of the peace, riots, affrays and homicides; it is alike fair to all, and makes our elections what they should be—an orderly and honest expression of the people in the choice of their rulers. But I think it can be improved by providing for those qualified, to register before the County Clerks, and the Magistrates outside of county seats, thus superseding the necessity of their going before the County Commissioners, and that at stated periods, and with much expense and inconvenience; also, by providing that the Commissioners shall sit as Boards of Triers, say, commencing on the first Monday in October, to hear and decide upon all challenges made specifically, and filed for their action. I suggest, also, that the payment of a poll tax be no longer a condition precedent to registration. Every one who is able ought, of course, to pay such tax, to aid the government in protecting our lives, liberties and property; but the Revenue Law is ample and stringent upon that point—hence I think it unnecessary and unwise to keep this provision in the Registry Act, and thus throw into the arena of politics an illegitimate and unwholesome influence. With this law, thus amended, I think all good citizens will be well pleased, and continue grateful to the framers of our organic law for requiring it.

COUNTIES AND COUNTY BOUNDARIES.

Many of the dividing lines between the different counties are ill defined, which causes difficulties and confusion in many instances, such as in the service of legal process, the assessment and collection of taxes, the establishment of election precincts, etc., etc. I suggest that such

enactment be made as will secure well defined establishment of all county boundaries, and prevent these troubles in the future.

STATE BOARD OF PARDONS.

The Constitution, section fourteen of article five, provides that "the Governor, Justices of the Supreme Court and Attorney-General, or a major part of them, of whom the Governor shall be one, shall grant pardons," etc., etc., "subject to such regulations as may be provided by law relative to the manner of applying for pardons." I would respectfully call your attention to the fact that these "regulations" have not yet been made. You should also provide that a certified copy of a commutation of death penalty, to imprisonment, shall be a sufficient commitment, and that thereupon the proper officer shall immediately convey such person to the prison designated.

JUDICIAL DISTRICTS.

Each organized county, with one exception, is a Judicial District, and burdened with the support of a District Judge—Storey county with that of three. The aggregate salaries now being paid by the counties is fifty-four thousand two hundred dollars (\$54,200 00). The amount of business to be transacted will not justify this enormous outlay. No change in Judicial Districts, or in number of Judges, or their salaries, can take effect until the first of January, 1867; but unless you make such changes as are necessary, during the present session, to take effect then, none can be made to be operative sooner than January 1, 1871. If you make the necessary alterations now, you will greatly relieve the counties and indirectly aid the State.

PRACTICE ACTS.

Our Civil and Criminal Practice Acts are, in many important respects, deficient. I cannot, however, under existing circumstances, recommend you to attempt the cure of these defects [during] this session; but suggest that you provide for the appointment of a Commission to prepare a Civil and Criminal Practice Act, to be revised by some Judge or Judges, approved by him or them, and submitted to the action of the next Legislature. This, perhaps, is the best and most economical mode of obtaining these Acts in proper form.

GRAND AND TRIAL JURORS.

Different opinions seem to exist as to the qualifications of Grand and Trial Jurors. I think the matter should be made plain by your action, and that when all other qualifications now required are possessed, the fact that a party has not been registered as a legal voter during the current year should not operate as a disqualification. I refer you to the law, section 180, page 454, Statutes of Nevada Territory, 1861, upon the subject of "Challenges to individual Grand Jurors." The fifth and sixth clauses read as follows: "Fifth—That he is a witness on the part of the prosecution, and has been served with process or bound by an undertaking as such. Sixth—That he has formed or expressed a decided opinion that the defendant is guilty of the offense for which he is held to answer." These, I think, you should abolish. In almost every instance a party must be indicted in the county in which the

offense was committed. This being so, if the above provisions remain intact, cases are not unlikely to occur, in which, though guilty of most flagrant crime, the party could never be indicted, and, hence, would go unpunished. The oath administered to grand jurors seems to contemplate that witnesses or parties in possession of material facts relative to charges to be inquired into by grand juries, may act thereon; for they are sworn to "diligently inquire into, and true presentment make, of all public offenses committed, or triable in their county, of which they have, or can obtain, legal information." Again, public offenses have been committed in the State, which, had they been in some of the smaller counties, territorially speaking, would have caused so much feeling, and produced so decided an opinion, generally, of the guilt of the party as to have rendered it impossible to obtain a grand jury to examine into the charges—the sixth cause of challenge, above quoted, remaining as ruling law in such cases. An indictment is but a charge against a party of the commission of a public offense, and, after its finding, he has legal guarantees of a fair and impartial trial; and, if he cannot obtain it in one, can get a change to another county. Not so in the investigation of the case by a grand jury. Finally, these provisions in many instances entail upon counties enormous expenses, and that without any corresponding good attainable—frequently the reverse.

CRIMES AND PUNISHMENTS.

You should make the act of breaking out of any jail, or the State Prison, or attempting, or aiding so to do, a public offense, and fix the penalties thereof, and when they shall take effect. Also, pass an Act in relation to escapes and their punishment, especially providing that when parties who escape from any jail or the State Prison, are captured and returned, they shall serve out at least the remainder of their sentence. Illegal voting is an offense against the peace and dignity of the State, which should be severely punished. The only law providing therefor is in the seventeenth section of the "Registry Act," page 386 of the laws of 1864-5. By reference to the title of that Act, page 380, of same book, and to the provisions of section seventeen, of article four of the Constitution, you will readily see that there is danger of this provision, where it is, being null and void. And it does not cover all cases of illegal voting. I recommend, therefore, its embodiment, with more full and stringent details, in "An Act Concerning Crimes and Punishments," or one supplemental to the existing Act, on these subjects.

EMPLOYEES OF SENATE AND ASSEMBLY.

The number of employés of the Senate and Assembly, as now fixed, is twenty-eight—more than half the number of Legislators. Is not this a greater number than necessity demands? I call your attention to the provisions of section twenty-eight, of article four, of the Constitution, on this subject, and suggest that if any reduction can be made, in number or in compensation, it should be, during this session; if not, the evil must exist throughout another.

DUTIES OF STATE OFFICERS.

By examination of the statutes of 1864-5, you will see that the duties of but few of the State officers have been defined by law, save incident-

ally. This you should carefully do, without delay, for the satisfaction and guidance of those officers, as well as to fulfill the requirements of the Constitution.

AGRICULTURAL AND MECHANICAL COLLEGE.

Under this head, I refer you to the accompanying report of the Superintendent of Public Instruction. I hope the State will, at no far distant period, be able to look with pride upon this Institution, because of the great benefits it may confer.

EDUCATION.

For statistics and suggestions upon this subject, I refer you to the very full report of our worthy Superintendent of Public Instruction, accompanying this message. I congratulate all, especially parents, that this cause is receiving the attention and support its great importance demands, and is in so favorable condition. The uprising generation must soon take our places in managing the affairs of Church and State; and I am rejoiced to see that the preparation of the young men; for these great purposes, is so wisely considered and promptly attended to; may it ever continue and increase, and our people be thus blessed at home, and recommended abroad. In a governmental sense, education prepares alike to rule and to be ruled aright.

PUBLIC INSTITUTIONS.

Section one, of article thirteen, of the Constitution, requires the Legislature to provide institutions for the benefit of the insane, blind, deaf and dumb. No provisions for these unfortunates have yet been made, as required by the fundamental law; and though I cannot recommend you to make any appropriation for the erection of public buildings, of any kind, at this time, yet I think you should create a fund for the relief of such insane persons as cannot defray the expenses of their own proper care, and place it at the disposal of some State officer, or officers, to be drawn upon when necessity demands. I respectfully call your attention to section sixteen of an Act of the Legislature of California, upon this subject, Statutes 1863, page 464.

AGRICULTURAL LANDS.

Experiments have demonstrated that we have a much larger amount of agricultural land than was originally supposed. With proper care and tillage, thousands of acres formerly considered valueless for farming, will be made to yield abundantly, remunerating handsomely the toils of the husbandman. Many of our river and lake valleys contain rich, valuable lands, which will produce bountiful crops of all kinds of grain, garden vegetables, vines, etc. In some localities fruits of various kinds, of fine quality, and in great abundance, may be produced. If the proper protection and attention be given to our agricultural interest, it will soon supply the home demand, thus saving much that is now paid, annually, for importations necessarily made.

STATE GEOLOGIST.

An Act of last session provided for the appointment of a State Geologist, defined his duties, and fixed the amount to be paid, as his compen-

sation and the expense of his operations. The "Board of Regents" (authorized so to do) deemed it inexpedient to make the appointment, as there was no money in the fund to be drawn upon to pay even the small appropriation—too small, indeed, to insure any good result. Much as we need a thorough geological survey of our mineral districts, I think prudence dictates that it be not undertaken at present.

STATE LIBRARY

It affords me much pleasure to say that rapid progress has been made in the establishment of a State Library. Our government has been organized only fourteen months, and we now have 3,289 volumes—881 of them are law, and 2,408 miscellaneous works—all well selected. If care be observed in future, this institution will continue commendatory, and be exceedingly convenient and useful.

MINES AND MINING.

Some of our most prominent mines in Storey county have declined materially during the last few months. Several causes have brought about this result. In the first place, the prices set upon them were speculative. Again, the seemingly endless litigation and consequent costs thereof, the expensive manner in which some of them have been worked, much money having been expended to little advantage, and other causes, have had a tendency to impair confidence, and lead many to withdraw their capital. I do not believe, however, that those mines have, or are likely soon, to fail in rich ores, but think they will continue to yield largely in bullion, affording handsome dividends, for many years, if economically managed. Silver mining to us, five years ago, was entirely new, and it is not to be wondered at that we should make serious mistakes, both in mining and in the construction of works for the reduction of ores, and the economical management of everything connected therewith; but, with our experience, the future, in this respect, should be comparatively safe. Mining is, and long will be, our paramount interest. It is a well established fact that exceedingly rich veins of minerals exist in almost every portion of the State; and valuable discoveries are constantly being made. In many new localities ores are found which will pay \$40 and upward, per ton, but are not worked with much profit, owing to the lack of capital to erect machinery for their vigorous development and reduction; but this obstacle is being rapidly overcome. Many men, of extensive means, during the last few months, have been giving attention to the new districts, and are preparing for the opening of these mines, and the erection of extensive works, next summer. When the true value of our mines is more thoroughly known abroad, which must be during the next year or two, I have no hesitation in saying that abundance of capital will seek investment within our borders; and where now we contribute thousands to the metallic currency of the world, we will produce tens of thousands. And when the great Pacific Railroad is completed across our State many mines that are now considered of but little worth, will be worked with much profit. It is not only in the precious metals our State abounds, for copper, lead, iron, sulphur, alum, borax, salt and soda, are found in great abundance, but at present are considered comparatively valueless; but with the facilities for transportation, which we have good reason to

hope for within a few years, many of these baser minerals will be a source of great wealth.

INDIAN AFFAIRS.

In February last the Indians commenced a series of depredations in Humboldt county—burning houses, stealing stock, robbing, murdering, &c. Some of the leading citizens believing there were but few Indians engaged, wrote me for arms and ammunition, which were immediately forwarded to Hon. E. F. Dunne, at Star City, for distribution. But they soon learned that the number amounted to several hundred, and wrote me accordingly. I at once informed Gen. McDowell of the condition of affairs, and he promptly ordered the commander of this military district to send troops to their aid, which was done. The number sent—two companies—was soon found insufficient, and I again informed the General of the situation, whereupon he ordered two companies from the district of California, and one additional company from Nevada, to proceed as speedily as possible to the scene of action. About this time, two men—Stewart and Rabe—were murdered by the Indians at Walker Lake; and some stock was stolen on the Truckee river, and but for the wise management of Col. McDermit, and the judgment displayed by Capt. Wallace, at Walker Lake, there doubtless would have been bloody work; but they procured some friendly Indians to accompany them, and at early dawn of the 14th of March, surrounded the camp concealing the murderers. The Indians seeing their situation, gave them up, and they were conveyed to Fort Churchill. The day Capt. Wallace started to Walker Lake, Capt. Wells was ordered to the vicinity of Pyramid Lake, with a detachment of cavalry, where he encountered, about daylight of the 14th, some thirty odd Indians, including all classes; he killed all save two, perhaps, which made their escape. This caused a great excitement among the Piutes, and a general war seemed inevitable. I wrote to Col. McDermit, and he sent invitations to their principal chiefs and captains, to meet at the Fort. On the 22d day of March, accompanied by Gen. J. L. VanBokkelen, of the late Provost Guard, at Virginia, and a detachment of his men, I went to the Fort, where we found about one hundred Indians. The next day we had “a talk,” when they became reconciled, and promised that no more depredations should be committed. Col. McDermit then called together those who aided to capture the murderers, at Walker Lake, and after hearing the particulars of what they did, I thought it but just, as well as good policy, to reward them, which I did by giving them money, and afterward flour, blankets, etc. To the credit of the Piutes be it said, since then they have given us no trouble, nor do I think they will, if properly cared for. Indian troubles were feared in Lander county, in March, and early in April I sent the Lander Guard twenty stand of arms and ammunition. On the 5th day of May I received letters from Hon. W. W. Hobart, Gen. Welty, and other leading gentlemen of Austin, asking aid, and giving information about stock having been stolen, and other offenses committed by the Indians. I caused fifty more stand of arms, with ammunition, to be sent to Gen. Welty. On the 24th of May, the Lander Guard asked of me to be ordered out, to go to Humboldt; I declined for the same reason given to three other military companies, to wit: A sufficient number of Government troops in the State, to put down the Indians, without embarrassing our treasury. On the 30th day of May I started from Fort Churchill, accompanied by Col. McDer-

mit and a detachment of cavalry, for Lander, to ascertain the condition of Indian affairs there. Arrived on the 2d of June, and on the 3d saw about one hundred and fifty of them, and had "a talk;" but wishing to see more, I appointed the 6th to meet them again, when there were two hundred and sixty-six present. I told them we desired peace, but if they continued to steal, and commit other depredations, it would be necessary to make war upon them. I have heard no complaints against them since then. Lack of time forbids detailing the incidents of my visits among the various tribes; suffice it to say, some of their arguments were unanswerable; they said, through their interpreter, "the white men cut down our pine trees, their cattle eat our grass, we have no pine nuts, no grass seeds, and are very hungry." I found them, in several instances, with nothing to subsist upon but rabbits, mice, grasshoppers, ants and other insects. It is to be hoped the General Government will do something to relieve their wants, very soon; if not, before the winter closes, they will be compelled to steal or starve, in large numbers. They should not be left in this condition. Much praise is due to our brave soldiers, for their success in ending hostilities. I take this occasion, also, to return to General Irwin McDowell, the thanks of our people, for his promptness in their aid. Nor can I conclude without making mention of the fidelity and faithful services of Colonel Charles McDermit, late commander of this Military District, who fell in defense of our borders, on the 7th of last August, in Paradise Valley, by a shot from an Indian. He was a most worthy gentleman, a well-skilled, faithful officer, and a brave, unflinching, patriotic soldier. His untimely end will be an irreparable loss to his family, and deeply felt by the community at large, who will ever bear him in grateful remembrance.

PARDON AND COMMUTATION.

The Constitution, section thirteen, of article five, says: "The Governor shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, and the date of the remission, commutation, pardon or reprieve."

In obedience to the above requirement, I respectfully report as follows:

L. L. Marble, was convicted of grand larceny, and sentenced by the First Judicial District Court, in and for Storey county, Nevada Territory, on the 14th day of March, 1864, to imprisonment in the Territorial Prison, for one year from that date. On the 8th day of March, 1865, the "State Board of Pardons" pardoned and restored him to citizenship, for the reasons following: Fair character before conviction; good behavior while in prison, and a sufficient vindication of the law, without serving out the remaining six days of his sentence.

H. Waltermeir was convicted of grand larceny, and sentenced by the Third Judicial District Court, Lander county, Nevada Territory, on the 25th day of March, 1864, to the Territorial Prison, for ten years from and after that date. On the 10th day of March, 1865, he was pardoned and restored to citizenship, by the Board, for the reasons following: A reasonable probability that he did not have a fair and impartial trial; severeness of sentence; good conduct in prison, and he had been punished sufficiently, if guilty.

Frank Ratty (colored), was convicted of the "unlawful exhibition of

a deadly weapon in the presence of two or more persons, not in necessary self defense," and was sentenced March 25th, 1865, by the Second Judicial District Court, Ormsby county, Nevada, to the State Prison, for two months, from and after that date. On the 24th day of May, 1865, he was pardoned by the Board, on the ground of good behavior while in prison.

H. Gutches, was convicted of petit larceny, and on the 31st day of March, 1865, was sentenced by a Justice's Court, in and for Lyon county, to the county jail of said county, for six months, from and after that date. On the 20th day of July, 1865, the Board pardoned him because he had behaved well while in prison, and had been punished long enough.

Dyas Shelton, was convicted of the crime of grand larceny, and on the 25th day of March, 1864, was sentenced by the Third Judicial District Court, Lander county, Nevada Territory, to the Territorial Prison, for ten years, from and after that date. On the 6th day of November, 1865, the Board pardoned and restored him to citizenship, for the reasons following: Being satisfied that injustice was done him on his trial; good behavior in prison; bad health, and sufficiency of punishment inflicted, if guilty.

Louis Siefeldt, was convicted of assault with intent to commit murder, and on the 9th day of April, 1864, was sentenced by the First Judicial District Court, Storey county, Nevada Territory, to the Territorial Prison, for three years, from and after that date. On the 29th day of November, 1865, the Board pardoned and restored him to citizenship, for the reasons following: Good conduct in prison, and sufficient punishment, if guilty.

Charles B. Harwood, was convicted of forgery, and on the 16th day of July, 1864, was sentenced by the Third Judicial District Court, Lander county, Nevada Territory, to the Territorial Prison, for eighteen months, from and after that date. On the 29th day of November, 1865, the Board pardoned and restored him to citizenship, for the reasons following: Strong doubts as to his guilt; good behavior, and sufficient punishment, if guilty.

Yesidre Gomez, was convicted of being accessory to an attempt to commit rape, and on the 15th day of January, 1865, was sentenced by the first Judicial District Court, Storey county, Nevada, to the State Prison, for two years, from and after that date. On the 29th day of November, 1865, he was pardoned by the Board, for the reasons following: His health being too bad to render it safe for him to remain in the prison, and good behavior while therein.

Edward Hall (colored), was convicted of grand larceny, and on the 5th day of January, 1865, was sentenced by the First Judicial District Court, Storey county, Nevada, to the State Prison, for one year, from and after that date. On the 29th day of November, 1865, he was pardoned by the Board, for the reasons following: Good conduct in the prison, and sufficient punishment.

Wm. Janes, was convicted of murder in the first degree, and was, on the — day of April, 1864, sentenced by the First Judicial District Court, Storey county, Nevada Territory, to be hung. Before the day of his appointed execution arrived, Governor Nye (of said Territory) commuted his sentence to imprisonment in the Territorial Prison, to which he was conveyed, and there remained until, in May last, when he applied to the Supreme Court of this State for final release, on writ of *habeas corpus*. That Court decided on the hearing, that the commutation, by

Governor Nye, was illegal, and remanded him to the First Judicial District Court, Storey County, for further proceedings, and on the second day of June, 1865, the Board of Pardons commuted his sentence to imprisonment for life, in the State Prison, on the ground that they did not think he ought to be hung. He was soon after finally discharged by the District Court of Storey county, on writ of *habeas corpus*.

RAILROADS.

The Pacific Railroad has been a most fruitful theme of discussion for many years; but it is a cause of unspeakable satisfaction that action—efficient action—has ensued, and that the work of construction is rapidly progressing. It is a matter of much pleasure to know the General Government has deliberately decided that this great national highway must and shall be pushed to early completion. I regret that any delay should occur in the construction of the "Placerville Railroad," and earnestly hope for such action and material aid in its behalf, on the part of Congress, as will soon place its speedy completion beyond doubt. No State, so much as this, needs the benefits arising from railroads, and none affords such opportunities for profitable investment of capital in their construction.

Every one should desire the speedy completion of the Central Pacific Railroad across this State, for that would lead to the development and profitable working of the mines in the northern districts; but that road only would not be sufficient for all parts of the State; would not even put an end to the hauling of freight over the mountains on wagons. We need two roads across the Sierras; and when the Placerville road shall have reached the southern portion of the State, it will be to the mines there what the Central Pacific will to the northern mines.

It would be vain to attempt computation of the wealth to flow from our mineral districts when these roads shall have been completed; much more fruitless the effort to fully comprehend their great benefits to the nation at large.

CONCLUSION.

In concluding, permit me to congratulate you and the people upon the more favorable condition of our common country. The year just past gave to our nation an era which will be memorable to the latest period of time. When it began, we were yet struggling amid the ever-shifting fortunes of war—the most sanguinary ever waged—for the preservation of our Government, good, beneficent and world-admired, from overthrow by the rebellion least justifiable of any ever undertaken. Long before it closed, that rebellion was crushed, that Government was vindicated, saved and perpetuated. War has given place to peace. The horrors and devastations of military strife have been succeeded by a happy return to the tranquility of genial pursuits. But these are not the greater blessings wafted to us on the wings of the war-storm. Our form of government passed through the severest ordeal and came out unscathed. The dross of "State Rights" has been purged away, and the pure, unalloyed metal of a strong Central Government—not possessed of constitutional power, or moral will, to impair the organic rights of any State, on the contrary, bound by solemn compact to preserve to each a Republican form of government—is our proudest boon, our most sacred heritage. For these profound results we are first indebted

to the wisdom of the Fathers, who gave to it, Republican as it is, its inherent plans and powers of self-preservation; but lastly, to our brave, heroic soldiers and seamen, our Christian and Sanitary Commissions, our wise-headed and ever-faithful statesmen, who, in April last, gave to us the effulgence of full victorious day. Cherished be the memory of each fallen hero and martyr; honored to life's latest breath, each patriot who survives our country's perils! Thanks be unto our Heavenly Father for His protection and guidance, and that all our material interests are again so prosperous! One event, however, amid all these sources of joy, cast the nation into deepest grief. The assassination of our late beloved President, Abraham Lincoln, was a moral shock felt from center to circumference. But, though we continue to mourn the ill-fate, and untimely end of him we now place upon the Roll of Martyrs, we should rejoice that he saw, from Pisgah as it were, the *promised land of universal Freedom!* and dying, conquered all its opponents. We will cherish the memory of his useful, exemplary life, and testify to the untarnished character of his official record—all of which bear witness that he "was ready to be offered up." Again, it is a matter of inexpressible gratulation, that he was succeeded by one so able and well calculated to administer our government. Let us all aid him, and his co-workers, in the great labors upon their hands, until the Union is fully reconstructed and cemented—indissoluble to the end of time—"The land of the free, and the home of the brave!"—the world's asylum for all its oppressed! Let us uncompromisingly discharge our political duties—especially those of official character—in such manner that each may say, "I have done by my constituents as I would have had them do by me." Then, with clear conscience, unsullied reputation, and self-approval, may each return, and laying down, unabused, the "brief authority" given by them, hear the response—"Well done, thou good and faithful servant."

H. G. BLASDEL.