

# GENERAL APPENDIX.

SECOND

BIENNIAL MESSAGE

OF

H. G. BLASDEL,

GOVERNOR OF NEVADA.

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DELIVERED TO THE LEGISLATURE, JANUARY, 1869.

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CARSON CITY:  
HENRY R. MIGHELS, STATE PRINTER.  
1869.

# GOVERNOR'S MESSAGE.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, January 5, 1869. }

*Gentlemen of the Senate and Assembly :*

In the pleasant discharge of a duty imposed by the Constitution, I communicate to you, by message, the condition of the State, with recommendations of matters which, in my judgment, should engage your attention. As you once again assemble as the representatives of a free people, let us render to Almighty God thanksgiving and praise for the manifold blessings of the past two years.

Since the preceding Legislature adjourned, much has transpired to command our especial gratitude. The nation has recovered from the shock of battle. The devastations of war have almost disappeared from the land. Peace has returned; order has been restored; prosperity and plenty again bless all sections of a lately distracted but now reunited country. A great and magnanimous Government has humanely spared the lives and property of those lately offending; repealed all discriminating laws; obliterated all odious distinctions of race or class; made all born upon the soil American citizens; guaranteed them protection as such, and lifted a race heretofore oppressed to absolute equality before the law. A brave and patriotic people have proven themselves able not alone to conquer internal foes, but to bring peace out of war, order out of anarchy, reaping the great fruits of victory, and preserving to themselves and perpetuating for posterity the glorious principles of constitutional liberty.

The triumphant election of the Conqueror of Rebellion to the Chief Magistracy of the Republic has given new proof of the patriotism and capability of the people, strengthening the faith of men and nations in the wisdom and stability of elective government.

In our own State we have much to be thankful for. Abundant harvests have crowned the efforts of the husbandmen; industry has everywhere met its just reward; prosperity has smiled upon judicious enterprise; and health and happiness have blessed all classes of our people. Our most sanguine expectations have been more than realized in our progress toward material wealth. The mines first discovered in this State continue to yield large quantities of the precious metals. The present facilities for extracting and reducing need only the aid of cheap transportation to insure their permanent value and long-continued yield of pay ore. Within the past year extensive and rich mines have been discovered, offering an inviting field for enterprise and the investment of capital, and promising incalculable benefits to the State. Large investments have already been made, giving new impetus to business and renewed hope to the people. Sufficient is already known respecting our mineral resources to dispel all doubts for the future and insure for Nevada lasting greatness and wealth.

The construction of the Central Pacific Railroad into and almost through our State, overcoming with unparalleled rapidity almost insurmountable barriers, has brought us into close communication with California and the Pacific Ocean, opening new fields of enterprise, affording cheaper, more certain, and more speedy transportation; infusing new life and energy into business, and bringing to us at greatly reduced prices the luxuries as well as the staples so indispensable to our prosperity. The benefits already realized are only to be surpassed by those yet to result from its junction with the Union Pacific, now rapidly approaching from the East.

#### FINANCES AND STATE DEBT.

The reports of the Treasurer and Controller for the fiscal year ending December 31st, A.D. 1868, are not yet received. It is impossible, therefore, to speak with absolute certainty respecting the financial condition of the State. I however submit for your consideration such information as I have been able to obtain.

The State debt, including gold bonds issued February 1, 1867, payable February 1, 1872.....	\$500,000 00
Unpaid balance gold bonds issued January 1, 1865, payable January 1, 1870.....	59,000 00
And registered current indebtedness.....	30,000 00
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Amount in the aggregate to.....	\$589,000 00
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On the 1st of January, 1867, there was in the Treasury.....	\$142,058 34
The receipts of revenue from all sources during the fiscal year ending December 31st, 1867, including the \$500,000 borrowed February 1, 1867, were.....	828,156 30
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Showing a total (of money on hand and received) of.....	\$970,214 64
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The disbursements for the fiscal year ending December 31, 1867, (including \$423,148.09 redemption of State and Territorial Bonds, and payment of interest) amount to.....	855,357 94
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Showing a balance in the treasury, January 1, 1868, of.....	\$114,856 70
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The receipts of revenue from all sources for the fiscal year ending December 31, 1868, will approximate.....	\$340,000 00
The disbursements during the same period (including \$140,000 paid principal and interest on bonds) will approximate.....	320,000 00
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Showing an excess of receipts over expenditures for the year A.D. 1868 of.....	\$20,000 00
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To this amount should be added the balance in the treasury January 1st, 1868.....	114,856 70
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Making the total amount in the treasury January 1st, 1869.....	\$134,856 70
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This amount is apportioned among the several funds about as follows :

Territorial Interest and Sinking Fund.....	\$50,000 00
State Interest and Sinking Fund.....	30,000 00
State School Fund.....	20,000 00
General Fund.....	34,856 70

The receipts of revenue for the fiscal year 1867 were from the following sources, to wit :

Property Tax of 1867 and delinquencies of previous years.....	\$192,010 78
Proceeds of Mines.....	41,647 78
Poll Tax.....	17,945 20
Toll Roads and Bridges.....	4,579 78
State Passenger Tax.....	7,066 58
Sale of Bonds.....	500,000 00
All other sources.....	67,364 25

The receipts of revenue for the fiscal year 1868 were from the following sources, to wit :

Supplemental Assessment of 1867 and delinquent taxes of that and previous years, about.....	\$19,300 00
Property Tax of 1868.....	165,000 00
Proceeds of Mines, 1868.....	74,000 00
Poll Tax, 1868.....	31,000 00
State Stamps.....	30,000 00
Toll Roads and Bridges, 1868.....	3,700 00
Fines, Passenger Tax, Insurance Premiums, and Sale of Lands, 1868.....	16,000 00

When it is remembered that in the past two years we have disbursed \$72,000 in payment of soldiers' bounties, and approximating \$30,000 for rebuilding the State Prison, destroyed by fire in May, 1867, we have just reason for congratulation upon the prosperous condition of the finances of the State. Thus far, by prudence, economy, and equable taxation, we have carried the State forward, measurably upon a cash basis, without oppressing the people, and without incurring indebtedness beyond our available resources. Continued prudence and economy must speedily remove all doubt respecting our ability to maintain an independent and prosperous State existence.

#### REVENUE.

The revenue derived from all sources under existing laws has been found barely adequate to the payment of current expenses; providing nothing for the liquidation of the principal of the five hundred thousand dollars bonds due in three years. It is hoped, however, that by the continued economical administration of public affairs the present rate of taxation, if levied and collected in gold, with the anticipated increase of taxable property, will be found sufficient.

For the past three years it has been the policy of the State to conduct, as far as possible, our finances upon the legal tender paper currency basis, requiring all valuations to be made, taxes collected, and current expenses paid in that character of money. The existence of two currencies of different valuations, the one

the basis of all private and commercial transactions exclusively recognized by the people in their estimates of value, the other, the basis in part only of State transactions, dealt with by the people not as a circulating medium, but as a merchantable commodity, has produced confusion in valuations and worked detriment to the State. In the purchase of supplies our warrants are taken only at a ruinous discount after reducing them to coin at the lowest current rates for greenbacks. The result thus far has been the receipt of less revenue and payment of one-half more for supplies than would have been necessary had the coin been in the treasury. Heretofore it has been the hope that the national paper would speedily approximate par, and to this end our patriotic efforts have been earnestly directed. This hope is not yet realized. The patriotic motive to strengthen the national arm by upholding the national credit, animating us during the period of imminent peril, no longer exists. We may, therefore, with justice and propriety, remove all inharmony and confusion by assimilating the transactions of the State to those of the community at large. I do not hesitate to express the opinion that taxes can be collected in coin, either by suit, judgment, and execution, or by the more common, and perhaps the more economical and expeditious process of distraint. But were it otherwise; were the objection tenable that after judgment the tax becomes a debt, dischargable in legal tender paper money, all this might easily be obviated by making the penalty for delinquency sufficiently high to cover the discount on currency, thus removing all inducements to pay any kind of money but gold.

#### MINING TAX.

The mines are now, and must ever continue to be, the chief support and paramount interest of the State. Whilst it is both our interest and duty to foster them by all legitimate measures of legislation, this should not be done to the injury of other less important interests. That the mines, in common with all other property, should contribute their fair portion of the public burthen, cannot be doubted. To conserve this interest the State Government was instituted for its benefit, and in its protection our principal expenditures are incurred. The fundamental law, exempting the body of the mine from taxation, *requires the proceeds to be taxed*; and it is believed any revenue law failing to tax the proceeds of the mines would fall short of the constitutional requirement of "uniformity," and its attempted enforcement meet the prompt interdiction of the Courts. It is the policy of the law, justified by the experience and fortified by the wisdom of all civilized States, to tax all property with exact equality and rigid uniformity. In our own State the farmer is taxed upon the actual value of his land, and upon the value of all proceeds of the lands, making no deductions for the cost of planting, harvesting, or marketing. Can any sound reason be urged for the application of a different rule to the mines? It is true, the fundamental law forbids the enforcement of this principle as to the mine itself; but the discrimination there obtaining by no means warrants its extension to the proceeds themselves; on the contrary, creates the necessity and furnishes additional reason for the enforcement of the rule. The Act of April 2, 1867, levying a tax upon the proceeds of the mines, though enacted with great deliberation, and passed with much unanimity, has been found to work unfairly to some parts of the State; whilst in others, defects, real or imaginary, have been found which, seized upon, have thus far prevented the realization of its full anticipated benefits. The establishment, by legislative enactment, of any definite sum as the cost of working, to be deducted from the gross yield, as a means of ascertaining the value of the ore at the dump, has been found equally impracticable and unjust. Distance from the source of supplies, and consequent increased cost of material, higher freights and higher wages in some localities than others, as well

as the infinite variety of ores, methods and facilities for extracting and reducing, make it impossible to establish any fixed sum justly and equally applicable to all the mining districts of the State. Whilst \$18 per ton for ores worked by any process without roasting, and \$40 per ton for ores worked by roasting process, may in some localities be found to more than cover the actual cost, in other localities these sums would be found wholly inadequate. That this unfairness may be removed, I respectfully suggest that the Revenue Law be so amended as to tax ores at their actual value—this value to be ascertained by deducting from the gross yield the actual cost of extracting and reducing, not including the cost of machinery, improvements, or prospecting; the tax to be collected quarterly, as under the present law, and the Assessor to fix the value—*aided* by the sworn statements of superintendents of mines and mills. It must be admitted that the plan here submitted infringes, to some extent, the principle of just taxation, heretofore stated, by exempting in part the cost of bringing ores to the surface; yet it is believed this discrimination against other products will be partially, if not entirely, equalized by the securement for taxation of *all* the proceeds of the mines: whereas, in the case of other products a part unavoidably escape taxation by consumption or transportation before reached by the Assessor.

The subject is one of great magnitude and difficulty; but it is believed the proposed just mediura between taxing the gross proceeds (which would be oppressive) and the net profits (which would be an unfair, if not an unconstitutional discrimination in favor of the mines) will produce, with other resources, sufficient revenue to meet the necessities of the State and receive the general approval of all classes.

#### REGISTRY LAW.

Time and practical application have developed some defects in the Registry Law, to which I beg your earnest attention. The oath of registration prescribed by section seven of the "Act to provide for the registration of voters" is defective in many particulars, and would seem to be in conflict with Section 1 of Article II of the Constitution of this State. Under the Constitution all persons who, after arriving at the age of eighteen years, shall have voluntarily borne arms against the United States, or held civil or military office under the so-called Confederate States, or either of them, who have been granted an amnesty by the Federal Government, are entitled to vote. Under the oath as it at present exists no such person can become a registered voter, and consequently no such person can vote. With the wisdom or policy of this constitutional provision we have nothing to do. Perhaps it had been better to permanently withhold the elective privilege from all persons who had borne arms against the national life, but such was not the view of the framers of our Constitution; and since the right exists it is both unjust and inexpedient to deny it in violation of the fundamental law. That provision of section seven of the Act providing for the registration of voters, dispensing with the oath in all cases of previous registration, accomplishes no good, and may become the subject of very great abuse. Our population is constantly changing. Perhaps a majority of our voters are without a fixed and permanent residence. In many precincts it is impossible that the registry agents should personally know all, or even a majority of the voters. A registered voter of the preceding year may be personated by a pretended elector of this, and the people be left without redress, except the inadequate one of challenge, which is always and necessarily attended with great inconvenience and expense.

Furthermore, a registered voter of the preceding year may depart the State or county, lose his legal residence, return the day before the registry closes, and become a registered voter without incurring the penalty of the law, and without possessing any of the constitutional qualifications, except age, sex, and color.

Hundreds of such votes, I am assured, were polled in this State at the general election in November. We cannot guard the ballot box with too much vigilance; and if, as I believe, the taking of the oath will, in any degree, make more difficult or prevent entirely these frauds, it should, in all cases, be administered.

For similar reasons, the registration period should be limited to sixty days. This would give ample time and prove a safeguard against many abuses now practiced. The registry (except for transfers from one precinct to another, in the same county) ought to close on the 30th day preceding the day of an election. This would give all coming into the county, within the constitutional limit, an opportunity to register; and, by extending the time, give greater opportunity for ferreting out and challenging illegal voters. Removal from the county or precinct after registration should be made a distinct ground of challenge, and registration in more than one precinct should be punished as a felony. The law should more clearly define "actual residence," as well for the information of the voter and guidance of the Register, as that uniformity may obtain throughout the State. I especially recommend the repeal of that portion of the law making the payment of poll-tax prerequisite and a necessary qualification of an elector. This is in the nature of a property qualification, and is not in harmony with the genius of our institutions. Suffrage is a sacred privilege, ever to be exalted and never to be withheld, except the public happiness require it—which should never depend upon the ability of a citizen to contribute to the finances of the State. The trifling sum realized to the revenue will not warrant this sacrifice of principle. Nor is this the most objectionable feature of the provision under consideration. In many, perhaps a majority of cases, the tax is not paid by the voter, but by candidates for office; and thus an indirect bribe is offered and received, the voter placed under an implied obligation, and the State, instead of drawing a tribute from the elector, receives a contribution from the candidate, paid by him for the purpose of influencing the voter and corrupting the election. Unless this practice and its accompanying vice of direct bribery be checked, we cannot long entertain a reasonable expectation of just measures or honest officials.

#### APPORTIONMENT OF SENATORS AND ASSEMBLYMEN.

In my message to the last Regular Session of the Legislature, I recommended the reapportionment of Senators and Assemblymen, and reduction of the aggregate representation. I then said, in my opinion, it would be prudent and just to reapportion the representation in both branches of the Legislature—basing the new apportionment principally upon present population, thus giving to each county, as near as may be, its equal and fair voice in determining the policy and prescribing the laws of the State. It would be well to reduce the aggregate representation in the Legislature. Twelve Senators and twenty-four Assemblymen would, in my judgment, constitute a body sufficiently numerous to protect the general interests of the several communities. I again call this measure to your attention. Since the last session grave and additional reasons have presented themselves. The completion of the Central Pacific Railroad into and through our State, on the north, and the discovery of new, extensive and rich mining districts, on the east, have produced great and permanent changes in our population. These changes should be promptly recognized, and the just relative rights resulting from them carefully secured. The unfairness of the present apportionment is so apparent as to become the subject of frequent and just complaint. Not intending to make invidious distinctions, I may be permitted to note the fact that Esmeralda County, with a taxable property of \$472,000, and voting population of 454, has as many representatives in both branches of the Legislature as Lander County, with a taxable property of \$3,025,000, and voting population of 1,998. However well founded in fact and in principle the present

apportionment may have been in 1865, it must be acknowledged by all that fact nor principle longer exist justifying it.

#### JUDICIAL DISTRICTS.

The next regular election of District Judges for the State will occur before another biennial session of the Legislature, and I deem it of great importance that the State be redistricted; for if not done now, it cannot be, to take effect earlier than January, A.D. 1875.

I earnestly recommend that the number of districts be reduced to five; and, having given this matter considerable reflection, suggest that the first be comprised of Storey, Lyon and Churchill counties; the second of Washoe, Ormsby and Douglas; the third of Esmeralda, Nye and Lincoln; the fourth of Lander, and the fifth of Humboldt. Great economy to the several counties would thus be insured, if not other benefits.

#### SCHOOL AND OTHER STATE LANDS.

I would call your attention to the Act of April 2, 1867, providing for the sale of State lands, as one which needs careful revision and amendment. Some of its most important features have been found inconsistent and contradictory. The officers charged with duties under it have experienced much difficulty in giving construction to its meaning, in many respects. It will be seen, upon examination, that no special or different mode is prescribed in the Act for the disposal of mining lands, coming within the sixteenth and thirty-sixth sections, than is provided in reference to agricultural or timber lands, as, perhaps, at the time the Act was passed, the prevalent idea was that the mineral lands in the State were excluded from the operation of such grants; which, I am convinced, is not correct. Section seven of the Enabling Act, under which the State was admitted into the Union, (March 21, 1864) provides "that sections numbers sixteen and thirty-six, in every township, and where such sections have been sold or otherwise disposed of by any Act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be, shall be, and are hereby granted to said State, for the support of common schools."

Section fourteen of the Act of March 2, 1861, under which the Territory of Nevada was created, contains similar provisions; and in neither case nor by any legislation of Congress which I can discover, has there been any reservation made of the mineral lands falling within sections sixteen and thirty-six. Under precisely like circumstances, a law of Congress granting school lands to the State of Michigan, the Supreme Court of the United States upheld the right of the State to mineral lands, within the designated sections. (See the case of *Cooper vs. Roberts*, 18 Howard, S. C. Reports, 173.) The same view was taken by the Supreme Court of California, in *Higgins vs. Houghton*, 25 Cal., 252.

If, therefore, it shall be found that we are entitled to the mineral lands within these sections, it will be necessary, in my judgment, to provide some distinctive method for their sale, so that the School Fund shall be protected against a disposition of them at a merely nominal figure, as is the effect under existing laws.

Your attention to this and other matters concerning the Act in question will probably be more especially referred to by the reports of the Surveyor General and Superintendent of Public Instruction.

#### EDUCATION.

The system of public instruction, initiated early in the history of the State, is now in successful operation. Common schools are established in every neigh-

borhood having the requisite population, and liberal provision is made for their support.

The fourth annual report of the State Superintendent shows that, in respect to character of accommodations, qualification of teachers, number of months taught during the year, and general facilities for the acquirement of an elementary education, our State will bear favorable comparison with older States of the Union.

No higher institutions of learning have yet been established under State patronage. It is desirable that the founding of a State University, embracing departments for agriculture, the mechanic arts and mining, as named in Section four of Article XI of the State Constitution be provided for.

For statistics and further recommendations relating to educational affairs, I refer you to the report of the Superintendent of Public Instruction, herewith transmitted.

#### BRIBERY.

The practice of bribing electors has become so common in some parts of this State as to demand the interposition of the Legislature. The purity of the ballot box and the free and unbiased choice of the voter are indispensable to public virtue. Without them the good results of elective government must speedily disappear. No State can prosper where the practice of bribing voters is tolerated. Nothing so speedily corrupts the public morals; nothing so effectually saps the foundations of society. By some unaccountable oversight, previous Legislatures have denounced no penalties against this nefarious practice. The election laws ought to be amended in this respect. The offering of any bribe or reward to an elector, or the receiving of any bribe or reward by an elector, should be made a felony; and conviction for this offense should permanently disqualify the person offering or receiving the bribe for holding office or exercising the privilege of an elector in this State.

#### BETTING ON ELECTIONS.

I deem it proper to call your attention to the fact that existing statutes impose no restraint upon the reprehensible vice of betting on elections. This practice has ever been considered against public morals; and from the earliest existence of elective government it has been the constant effort of those having the welfare of communities in charge to prevent it. The evil consequences of this vice stop not with the perpetrators of the wrong, but seriously affect society, leveling a most dangerous blow at the Government itself. The staking of large sums upon the success of men or parties, necessarily tends to inflame the passions, obscure judgment, destroy independence, and subvert public fidelity—furnishing a most powerful incentive to bribery and the commission of every species of fraud upon the ballot box. Would we not circumscribe a great private as well as public evil by making it a penal offense?

#### GAMING.

The Act to prevent gaming, approved February 23d, 1865, has been found wholly inadequate. It is neither enforced by the authorities nor respected by the citizens, but is openly disregarded by both.

The present law is defective in many particulars.

First—The law gives exclusive original jurisdiction of this offense to Justices of the Peace.

Second—It punishes the persons dealing only, inflicting no penalty upon the person betting with the bank.

**Third**—It declares the offense a misdemeanor merely.

**Fourth**—The fines imposed and collected are required to be paid one-half to the County Hospital Fund, one-fourth to District Attorneys, and one-fourth into the State Treasury, generally; whereas the Constitution requires all penal fines to be paid into the School Fund.

No argument is needed to prove gambling a most pernicious vice, unfitting its victims for public or private usefulness, infusing its virus into the whole body politic. No argument, I trust, is needed to convince you of the necessity of circumscribing it. I respectfully suggest that the law be harmonized with the Constitution, the offense made a felony, and extended to the person betting with the bank, and that it be made the duty of the District Court to give the Act specially in charge of the Grand Jury.

#### CLAIM OF THE STATE AGAINST THE GENERAL GOVERNMENT.

The Legislature, in special session, passed a joint resolution on the twenty-ninth day of March, 1867, whereby I was authorized to cause to be prepared a true and correct statement of the amount of the territorial indebtedness of the late Territory of Nevada, assumed by the State, including the amount paid by the State to the Nevada soldiers in the service of the National Government; the amount paid on old Carson County indebtedness, and the amount expended by the State for the suppression of Indian disturbances, and to forward the same to our Senators and Representatives in Congress for adjustment.

Pursuant to said joint resolution, I called upon the Controller, who prepared the requisite statement, showing all the items, and an aggregate of claims, amounting to the sum of \$195,807.95, which statement I caused to be mailed to our Senators and Representatives in Congress on the twenty-seventh day of January last, and solicited them to urge upon that honorable body its proper adjustment. I was officially notified that it arrived at Washington in due course of mail, and was laid before the Committee on Claims of the Senate, but have not been advised of any further action thereon. I kept a copy of the statement, herewith transmitted to you, and suggest that you memorialize Congress on the subject at an early day, urging its payment as an act of justice, no less due to Nevada than to other States of the Union in similar cases.

#### LOSSES BY INDIANS.

The Commission created by an Act of 1867, to investigate and report to me upon losses to citizens of Lander County by Indian depredations, during 1864 and thereafter, completed its labors and made a report, which I received in January last; and retaining a copy, (herewith transmitted) I forwarded the original by mail to our Senators and Representatives in Congress on the twenty-second of January last. I am not advised of any definite action thereon by that body. It would, perhaps, be well for you to memorialize Congress upon the subject, as well as in relation to similar claims of citizens of Humboldt County, previously laid before that honorable body.

#### ELECTION OF REGENTS.

According to the requirements of Section seven of Article XI of the Constitution, it was made the duty of the last Legislature to "provide for the election of a new Board of Regents and define their duties." A bill making such provision passed the Assembly at its regular session, but did not reach the Senate in time for consideration before final adjournment. It therefore devolves upon you to supply the omission. To insure efficiency and avoid expense, it is important that members of the Board reside at the State Capital.

## STATE MINERALOGIST.

Pursuant to the Act of 1866, the Board of Regents, on the thirtieth day of May, 1867, appointed A. F. White State Mineralogist; and on the first of December, 1867, fixed his salary at two hundred and fifty dollars per month from and after that time. Though no appropriation had been made to defray his expenses and pay his salary as such officer, he has spent much time and labor in the discharge of his official duties, and made a report, from which you will be able to judge of the value of his services, the justice and necessity of paying for what he has done, and of providing for the future efficient prosecution of this important work.

## COUNSEL FOR THE STATE.

Early in 1867 it was ascertained by the Board of Regents that it was absolutely necessary to employ counsel for the State, resident in Washington City, in order to have our interests properly attended to before the General Land Office, relating to State selections of lands and their confirmation. Learning that Messrs. Britton & Gray were efficient and reliable lawyers, the Board employed them, with the understanding on the part of all concerned that they had no authority of law to thus engage counsel for, and bind the State to their payment, especially as there was no appropriation to meet such services, and that such payment would depend wholly upon future legislation, which, it was then promised, would be recommended. Time has demonstrated the wisdom as well as necessity of such employment, and evidenced promptitude and faithfulness on the part of those gentlemen, resulting in great benefits and meriting just compensation.

Any information which the members of the Board can impart, as to services rendered and amount to be paid, will be cheerfully communicated.

## UNITED STATES SENATOR.

The laws of the State and Federal Governments make it your duty to elect a United States Senator, to serve for six years from and after the expiration of the term of Hon. William M. Stewart—March 3, 1869.

This responsible and pleasant obligation to your constituents I doubt not you will perform with studied aim to meet their wishes and advance the true interests of the State.

## PARDONS GRANTED.

Philip Riley was convicted in the First District Court, Storey County, on April 24th, 1865, of grand larceny, and sentenced to imprisonment in the State Prison two years. He was pardoned January 14, 1867, because of good conduct; his time would have expired the next day, owing to commutation for good behavior, and he was deemed worthy of restoration to civil rights.

Giacomo Viginolo was convicted in the First District Court, Storey County, on the twenty-fourth day of April, 1865, of an assault with intent to commit murder, and sentenced to imprisonment two years in the State Prison. He was pardoned January 14, 1867, because of good conduct; his time would have expired the next day, owing to commutation for good behavior, and he was deemed worthy of restoration to civil rights.

James W. Kelly was convicted in the First District Court, Storey County, on the twenty-first of January, 1866, of manslaughter, and sentenced to imprisonment for five years in the State Prison. He was pardoned January 29, 1867, because the same was strongly urged in petition, by many leading citizens of

Storey County. He had behaved well, and had probably been sufficiently punished up to the date of his pardon.

Victor La Mott was convicted in the District Court, Lyon County, on the thirty-first of December, 1866, of grand larceny, and sentenced to imprisonment five years in the State Prison. He was pardoned February 19, 1867, because of mitigating circumstances, (brought to light after his sentence) urged by the Judge and jury who tried, and counsel who prosecuted him, and sufficiency of punishment up to date of his pardon.

Thomas Boulton was convicted in the (Territorial) First Judicial District Court, Storey County, on the fifteenth of November, 1863, of burglary, and sentenced to imprisonment seven years in the Territorial Prison. He was pardoned March 22, 1867, because of the severity of his sentence, his apparent reformation, and sufficiency, as believed, of his punishment at date of pardon.

John Blair was convicted in the First District Court, Storey County, on June 23, 1866, of jail breaking, and sentenced to imprisonment eighteen months in the State Prison. He was pardoned September 23, 1867, because of good conduct in prison. His time, by reason of commutation, would have expired October 10, 1867, and he was deemed worthy of restoration to citizenship.

Louis Champean was convicted in the District Court, Lyon County, on the thirty-first of December, 1866, of grand larceny, and sentenced to imprisonment five years in the State Prison. He was pardoned February 18, 1868, because of mitigating circumstances. He promptly disclosed and returned the property stolen; good conduct in prison, and supposed sufficiency of punishment at time of pardon.

Terence G. Smith was convicted (on two indictments) in the District Court, Washoe County, on the 4th day of June, 1866, of grand larceny, and sentenced to one year's imprisonment in the State Prison, on each indictment and conviction. He was pardoned on the 18th February, 1868, because of good conduct in prison, worthy of civil restoration, and his time, with commutations, would have expired February 20, 1868.

Henry Duffy was convicted in the Court of a Justice of the Peace, in and for Lyon County, on the 30th of January, 1868, of petit larceny, and sentenced to imprisonment six months in the jail of said county. He was pardoned April 22, 1868, because of severity of sentence, and the supposed sufficiency of his punishment when pardoned.

Austin Smith and J. J. Lynch were severally convicted in the District Court, Storey County, on the 16th May, 1868, of grand larceny, and sentenced to imprisonment one year in the State Prison. They were severally pardoned on the 18th of May, 1868, because of their extreme youth, (neither being 20 years old); they had lain in jail a long time; it was their first known offense; they showed great penitence; and their pardon was strongly urged by the citizens of that county who knew them, and the circumstances of their offending, best.

Joseph T. Laury was convicted of an assault with a deadly weapon, with intent to inflict upon the person of another a great bodily injury, and sentenced by the Second Judicial District Court, Douglas County, to the State Prison for one year from and after the 21st of February, 1868. He was pardoned December 21, 1868, because of good conduct in prison, previous good character, and it was thought he ought to be restored to civil rights.

#### MISCELLANEOUS.

I call your attention to the tenth section of the Enabling Act, page thirty-seven, Statutes of 1864-'5.

The five per cent. on proceeds of sales of public lands, thus given to Nevada

for road and canal purposes, is applied by section three of Article Eleven of the Constitution, to education; this, however, has not been sanctioned by Congress.

I am informed there are about \$5,000 ready for the State from this source, whenever any one, properly authorized, can receipt therefor. For this, as well as the receipt of other sums, from that source in the future, you should make provision. And I submit that it would be well to provide for the investment of all such funds until Congress approve our choice of their use, or we need to apply them as designated by the Act making the gift. If received and invested the State can at least be getting the benefit of the interest for public school purposes.

You are referred to the accompanying report of the Librarian, for facts and suggestions in relation to the State Library, and you will see therefrom that the State is acquiring a good library, with commendable rapidity and choice, of law and miscellaneous works.

The main building of the State Prison was almost wholly destroyed by fire on the night of the 1st of May, 1867; the origin of the fire is not definitely known. No escapes or loss of life resulted from it. Much credit is due to the fire companies of Carson City for their efforts to stay the flames, on that occasion.

This misfortune to the State caused a large expenditure of money, in the work of rebuilding, which was done in a very substantial manner, adding also some new cells, and giving greater convenience and security to the institution.

It is a matter of sincere gratification, that during the last two years so few convicts have been sent to the prison; and that the number now therein (twenty-five) is so little in excess of that of January 1, 1867.

For details upon this subject you are referred to the Warden's Report.

I would respectfully yet earnestly suggest and urge the importance of attending to the more weighty matters of legislation during the early part of the session prior to those of less moment. The evils arising from delay in this particular—putting off until the last two or three days the matters most vital to the interests of the State—were abundantly exemplified by the experience of the last regular session, which imposed upon me the unpleasant yet indispensable duty of calling a special session in order to secure legislation absolutely necessary to keep the machinery of the State Government in motion, which special session involved an expenditure of about \$20,000. More than one-half of all, and nearly all the *important* bills, passed during the first Biennial Session, were presented to me after fifty-six days of the allotted sixty had transpired. Under such circumstances it was utterly impossible to give them the careful consideration they should have received. Again, the hurry and confusion incident to the last hours of a session are not unfrequently causes of errors and omissions in important bills, which, under the press of business, must be left for Executive action after final adjournment, leaving it impossible to correct or supply them.

#### IN CONCLUSION

Permit me to express the hope that our official intercourse may be pleasant; that our efforts may be unitedly directed to the enactment of wise and just laws, to the end that individual happiness and public prosperity may ensue, and we, the servants of the people, merit and receive the reward ever due to fidelity.

HENRY G. BLASDEL.