

APPENDIX
TO THE
JOURNAL OF THE SENATE
OF THE
SIXTH SESSION
OF THE
LEGISLATURE OF THE STATE OF NEVADA.



CARSON CITY:
CHARLES A. V. PUTNAM, STATE PRINTER.
1873.

FIRST BIENNIAL MESSAGE

OF

L. R. Bradley, Governor of Nevada,

DELIVERED TO THE

LEGISLATURE, JANUARY 8, 1873.

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

BIENNIAL MESSAGE
OF
GOVERNOR L. R. BRADLEY.

STATE OF NEVADA, EXECUTIVE DEPARTMENT,
CARSON CITY, January 6th, 1873. }

To the Legislature of the State of Nevada:

GENTLEMEN: The recurrence of the period fixed by the Constitution for the performance of the duties allotted to the Legislative Department of the State Government will impose upon you new tasks in the passage of enactments necessary to repress present evils, and to inaugurate prospective measures required by the material growth of the community.

In the discharge of an official duty, I have the honor to communicate to you, with the fullest deference to yourselves as constitutional equals in our political system, my opinions of measures which are deemed expedient to the power and well-being of the State.

Two years of unparalleled prosperity have just passed. No former period of equal length has ever included such an era of improvement and development in our principal interest. The production of the precious metals in the old as well as the new mining regions has far surpassed that of any other biennial term in our history. Discovery is now, as ever, in far advance of development. Theory and science walk hand in hand with practical experience. Economy in expenditures, industry in exploitation, and good fortune in discovery have revived a season of commercial activity not long since entirely unhopd for.

Immigration has increased our population with desirable accessions. Industries have become more diversified. Agriculture is constantly enlarging the area of our fields, and the staple products of the soil are increasing in equal proportion. Flocks and herds from afar have sought the rich pastures of our hills and valleys. The products of the soil and

the dairy have increased to such an extent as almost to supersede the necessity of importation from our neighboring States.

Let us be grateful to the Divine Providence which has thus directed our footsteps in the paths of prosperity and peace.

FISCAL YEAR.

I desire to repeat the recommendation of my predecessor in regard to a change in the date of the commencement and termination of the fiscal year. The intervening period between the close of the year and the commencement of the session of the Legislature is not of sufficient length for the preparation of the reports of the financial and accounting officers of the State. I suggest the second Monday in November as a convenient and appropriate date.

FINANCES.

On the thirty-first day of December, A. D. eighteen hundred and seventy, the net indebtedness of the State amounted to the sum of five hundred and twenty-seven thousand four hundred dollars and sixty cents. The expenditures for that year equaled one hundred and fifty-four thousand seven hundred and sixty-three dollars and seventy-seven cents. At the close of the succeeding year, eighteen hundred and seventy-one, the indebtedness reached the amount of six hundred and twenty-three thousand five hundred and fifty-one dollars and twelve cents. The net indebtedness of the State on the thirty-first day of December, eighteen hundred and seventy-two, was the sum of three hundred and seventy-nine thousand two hundred and forty-six dollars and thirty-eight cents.

Presented in tabular form, the account between the State and her creditors would stand thus:

FOR THE YEAR ENDING DECEMBER 31, 1870.

<i>Indebtedness.</i>	
State bonds.....	\$500,000 00
Accrued interest.....	25,000 00
Warrants unpaid.....	154,520 94
Deficiencies.....	27,748 99
Total debt.....	\$710,269 93
<i>Assets.</i>	
Balance cash on hand.....	\$124,869 33
School bonds.....	58,000 00
Total assets.....	\$182,869 33
Net indebtedness on Dec. 31, 1870.....	\$527,400 60

FOR THE YEAR ENDING DECEMBER 31, 1871.

<i>Indebtedness.</i>	
State bonds.....	\$660,000 00
Warrants unpaid.....	213,014 94
Total debt.....	\$873,014 94
<i>Assets.</i>	
Coin and currency on hand.....	\$191,463 82
School bonds.....	58,000 00
Total assets.....	\$249,463 82
Net indebtedness on Dec. 31, 1871.....	\$623,551 12

FOR THE YEAR ENDING DECEMBER 31, 1872.

<i>Indebtedness.</i>	
State bonds.....	\$660,000 00
Accrued interest.....	16,659 99
Warrants unpaid.....	49,790 48
Total debt.....	\$726,450 47
<i>Assets.</i>	
Cash on hand.....	\$240,030 76
School bonds.....	104,000 00
Accrued interest.....	3,173 33
Total assets.....	\$347,209 09
Net indebtedness on Dec. 31, 1872.....	\$379,246 38
Total decrease during the years 1871 and 1872.....	\$175,903 20

The apparent large increase of the public debt during the year eighteen hundred and seventy-one, requires explanation. The sum of twenty thousand eight hundred and sixty-six dollars and seventy-nine cents was appropriated by the Legislature at the session of that year to defray a deficiency in the expenses of the State Prison for the two preceding years. A tax of one eighth of one per cent was levied, estimated to amount to sixty thousand dollars, and the proceeds thereof set apart for the relief of the unpaid laborers upon the State Capitol. Further appropriations were made to liquidate approved claims, to the extent of six thousand eight hundred and sixty-two dollars and twenty cents. All of these sums were legacies of debt from former years. The years eighteen

hundred and sixty-nine and eighteen hundred and seventy should be charged with their creation. The years eighteen hundred and seventy-one and eighteen hundred and seventy-two should be credited with their payment.

TAXATION.

An approaching period of need for increased accommodations in the State Prison, and the erection of an insane asylum, seems to render important legislation which will anticipate our necessities. A public building fund should be created for the purposes mentioned. The tax of one eighth of one per cent levied by the Act of March sixth, eighteen hundred and sixty-nine, being neither onerous in amount, nor excessive in production, may be wisely continued in force until eighteen hundred and seventy-seven. By that time a sufficient fund may be raised for all probable wants.

Grateful relief from the pressure of taxation may also be afforded by the abolition of the stamp duty. Although neither productive of much revenue, nor weighty in its exactions, it is inconvenient and difficult of enforcement and practical use. The example of the National Congress, in the repeal of this class of domestic and internal excises may be safely followed.

INCREASE OF TAXABLE PROPERTY AND PROCEEDS OF MINES.

The total amount of the taxable property of the State, as shown by the assessment lists of the various counties, for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two respectively, were as follows:

For 1871.....	\$20,901,009 67
For 1872.....	22,879,145 32
An increase in the latter year of.....	1,978,035 65

The proceeds of mines for the same years were as follows:

For 1871.....	\$20,026,585 12
For 1872 (first nine months).....	17,789,408 25

Assuming that the production of the precious metals for the last quarter of eighteen hundred and seventy-two, will show a proportionate gain, the proceeds for the whole year may be estimated at twenty-three million seven hundred and nineteen thousand two hundred and eleven dollars, an increase for eighteen hundred and seventy-two of three million six hundred and ninety-two thousand six hundred and twenty-five dollars and eighty-eight cents.

CLAIMS OF THE STATE AGAINST THE GENERAL GOVERNMENT.

The Treasurer and Controller of the State were authorized by an Act of the last session of the Legislature to appoint a Commissioner, whose duty it should be to prepare and present to the General Government the claims of the State arising out of disbursements made by it as successor to the Territory of Nevada, and the payment of bounties to troops furnished to the Federal armies during the late insurrection.

In the exercise of this authority the Hon. A. C. Cleaveland, of White Pine County, was chosen Commissioner. He immediately repaired to the scene of his duties, and acting in concert with the Treasurer and Controller, brought the matter before the attention of the Forty-second Congress at its first session. The result of their labors was an appropriation of the sum of sixty thousand dollars in currency, which was afterwards paid into the State Treasury. The date of the actual receipt of the money was July tenth, eighteen hundred and seventy-two.

It may be observed, in relation to these claims, that a mistaken idea has generally prevailed in regard to the liability of the United States for their payment. They consisted in part of charges for the erection and maintenance of a Territorial Prison, fees for the services of Federal Marshals, the salaries of the Territorial Judges, the hire of clerks and deputies in the various departments of the Territorial Government. A claim for reimbursements for the payment of bounties to volunteers, in the sum of one hundred and nine thousand one hundred and thirty-five dollars and four cents, was also included. The aggregate amount was the sum of one hundred and ninety-five thousand eight hundred and seven dollars and ninety-five cents.

The only items, the validity of which was distinctly recognized by Congress, were those on account of payments made for the erection of a Territorial Prison and the support of the Federal Courts. The others seem either to have been ignored or rejected. The appropriation was expressly specified to be "in full payment of all claims against the United States for expenses incurred by the Territory of Nevada."

After a careful examination of all the sources of information within reach, I have been unable to discover a single instance in which Congress has recognized any liability arising out of claims of the character of those rejected.

The demand for repayment of the bounties granted to the Nevada volunteers in the service of the United States has no foundation. It does not rest upon a strict legal right, nor the equitable basis of the custom and practice of the Federal Government. None of the Eastern States have met with success in urging such demands. It might be more accurate to assert that no such claims have yet been urged.

In the month of July, eighteen hundred and sixty-one, a few weeks after the commencement of the late war, Congress passed "An Act to indemnify the States for the expenses incurred by them in the defense of the United States." The costs and charges to be defrayed by the National Treasury were defined and limited to the "expenses incurred by each State in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States."

The language used in defining the expenses which the Federal Government then assumed, completely excludes the idea of reimbursement for bounties paid to State forces. Bounties are considered the voluntary

contributions of the States to the support of the war. They were additional inducements, offered in the hope of stimulating enlistments. During the progress of the war, recruiting for the ranks of the Federal armies almost entirely ceased. The different States were called upon by the War Department to complete the quotas of troops allotted to each. In such emergencies, sums of money, in addition to the regular pay of the soldier, were offered for recruits. These sums varied from one hundred to twelve hundred dollars. By means of this additional pay, the States were enabled to respond to the calls for troops, and thus fulfill their obligations to the War Department.

The Federal Government is not concerned in the promises or the gifts of a State to its citizens. Several statutes have been passed by Congress, at the instance of particular States, for the repayment of charges incurred by them of the nature of those mentioned in the Act of July twenty-seventh, eighteen hundred and sixty-one. The claims of Pennsylvania, Maryland, Ohio, Indiana, and Kentucky were thus recognized and liquidated (12 U. S. Stats. at Large, C. 79, Sec. 4, p. 750). Subsequent statutes were passed for the relief of the States of Pennsylvania (14 id., C. 40, p. 32), Missouri (14 id., C. 46, p. 38), Iowa (14 id., C. 248, p. 247), Indiana, and Ohio (15 id., C. 14, p. 9). In every case it was expressly provided that "no expenditure or compensation for service at a rate greater than was at the time authorized by the laws of the United States, and the regulations prescribed by the Secretary of War in similar cases," should be allowed. Language more accurate than this to define the measure of liability assumed by the United States could hardly be employed. It sufficiently appears that the pay and allowances fixed by law for each arm of the regular military service, exclusive of bounties, were only intended to be repaid to the several States. The inference is unavoidable.

This explanation is deemed necessary because of the exaggerated estimate which has prevailed in respect to these demands. The opinion is confidently asserted that, in the business intrusted to their charge, the Commissioner for Nevada, the Controller, and Treasurer, have exercised commendable industry with creditable success.

CODIFICATION OF THE LAWS.

Your attention is respectfully called to the incongruous condition of the Legislative Acts in this State. This is a cause of frequent complaint by all who have occasion to examine the several statutes. After the present session we will have nine volumes of laws. The operative laws are scattered throughout the several volumes, amid a great mass of repealed and obsolete Acts. Many of the most important statutes have been often amended, and, in order to determine what the statutory law is on any given subject, with any degree of certainty, all the subsequent statutes must be examined page by page and section by section. The indices are unreliable, and many sections are not indexed at all.

I respectfully submit that provision ought to be made for the compilation of the laws into one or two volumes, in which shall be collected all the enactments in force, appropriately arranged and completely indexed. A correct compilation would be a great public benefit.

THE INSURANCE LAW.

At the session of eighteen hundred and sixty-four and eighteen hundred and sixty-five, the Legislature passed an Act to tax and regulate foreign insurance companies within the State. A deposit of the sum of fifty thousand dollars in the bonds or certificates of indebtedness of the State of Nevada, was required to be made by every fire insurance company not incorporated within the State, with some bank or bankers who should be approved by the Controller. These provisions were substantially reenacted in the statute of eighteen hundred and seventy-one relative to the same subject matter. The admitted and apparent designs of this law were to furnish a market for the bonds of the State, and to provide some security for resident policy holders against the possible insolvency of foreign companies. The end to be obtained by the former of the purposes may be said to be fully accomplished. In the present condition of our public credit—our bonds commanding a premium in neighboring financial centers—such a compulsory measure has become useless. It may also, with safety, be averred that the precautions against the lack of responsibility of foreign agencies have ceased to be either necessary or reasonable. In proof of this assertion, the practical results of the seventh section of the statute of eighteen hundred and seventy-one may be examined.

Only three corporations have chosen to avail themselves of its benefits at the price of a compliance with its provisions. And of these, two are "foreign" in the strictest sense of the word. They are both chartered by the Parliament of Great Britain. No company desirous of entering upon the field of fire insurance has yet been organized in Nevada. But one of the many agencies operating in our neighboring States has yet sought to compete for public patronage in the market offered here. The fire underwriting interest of the whole State is monopolized by two English agencies and one California company. The security which the statute exacts is infinitesimal in a case of this character. One hundred and fifty thousand dollars would not liquidate the losses which have many times been suffered in single conflagrations in our towns. Happily for the holders of policies in those companies, their safety does not depend solely upon the deposits made in pursuance of the law. It rests upon the firmer base of an enormous capital heaped up from the profits of decades of prosperity.

The foundation of credit in the marts of commerce is the same in the department of insurance. Wealth, integrity, and enterprise are always sought for in the choice of underwriters. Many companies possessing these qualities have passed us by. The simple fact of ability and willingness to make a deposit of the sum required cannot be accepted as evidence of unquestionable solvency. Nor, on the contrary, should the omission to do so imply the reverse.

The practical result of the operation of the statute is the complete exclusion of competition. Following upon the legislation which, in effect, prevents opposition and erects monopolies, come the evils of the concentration of a great department of commerce in a few hands, and the exaction of exorbitant rates. The only safety of the mercantile classes is in the division of responsibility among the various associations of underwriters who seek their patronage.

The number of States in the Union which have placed a similar obstacle in the way of progress, is seven. New York, Connecticut, and Massachusetts, the great centers of the insurance interest, have now discarded the plan, if, indeed, they ever adopted it. In each of those States, there has been substituted a department which has the right and power of supervision and control over the accounts and assets of the companies therein engaged in business. This system of watchful care over the interest of shareholder and policy holder alike, is certainly preferable to that which attempts to embarrass and confine legitimate operations. No good can possibly come of legal provisions which hinder the advances of mercantile enterprise by demanding at the outset a large amount of capital as a premium for permission to exercise a beneficial branch of trade.

It is my earnest conviction that the repeal of the seventh, eighth, ninth, tenth, and eleventh sections of Chapter LXXX of the statutes of eighteen hundred and seventy-one will subserve the best interests of the community.

THE REGISTRY LAW.

An experience of three years in the practical workings of the system of registration created by the statute of March fifth, eighteen hundred and sixty-nine, has revealed the existence of a few defects. It could hardly have been expected to be faultless. It will be sufficient to suggest the imperfections of the law, that measures may be taken to remedy them.

The Supreme Court of the State, at the July term, eighteen hundred and seventy-one, held that the oath prescribed by the fifth section of the statute (Stats. 1869, Chap. CXC, Sec. 5, p. 141) was unconstitutional and void. The particular provision declared to be obnoxious to the Constitution was that which required an oath from the applicant for registration of the following tenor: "I do solemnly swear (or affirm) that I will support and defend the Constitution and Government of the United States against all enemies, either domestic or foreign, and that I will bear true faith, allegiance, and loyalty thereto, any ordinance, resolution, or law of any State or Territory to the contrary notwithstanding."

In the same section is included the affirmation of citizenship and residence within the State for the requisite period before any general or special election.

It has come to my knowledge that in many precincts, at the late election, no test whatever of electoral qualifications was demanded from applicants for registration by the registry agents. Many of those officers, relying upon the decision in the case of Clayton vs. Harris, contended that none was necessary. In fine, in several counties every safeguard against the possible abuse of the elective franchise was disregarded. No proof whatever of citizenship or residence, the primary tests of qualification as set forth in the Constitution, was demanded.

In a prior case (Davies vs. McKeeby, 5 Nev., p. 371), decided at the January term, eighteen hundred and seventy, the Supreme Court had occasion to consider and decide a question of similar import and effect to the one now under discussion. The statute of March eleventh, eighteen hundred and sixty-five, embracing subjects cognate to those embodied in the law of eighteen hundred and sixty-nine, contained the oath set

forth in the law of eighteen hundred and sixty-nine, with the addition of an affirmation intended to exculpate the applicant from the guilt of participation in the late insurrection against the authority of the Federal Government. The Court pronounced such an oath repugnant to Section 1 of Article 2 of the Constitution. And proceeding to announce a judicial construction of the whole section, it was decided that its provisions were inseparable; that no registry agent could have the right or power to alter or modify the same; that his duty was to administer the oath entire, if valid; that a part thereof being open to constitutional objection, the whole oath must fall.

The like consequences must follow from the decision in Clayton vs. Harris. The Court pronounced an election held in a certain precinct regular and valid. In that precinct the registered voters took no oath whatever. The judgment was an express adjudication of the nullity of the whole section.

The consequences which flow from the absence of any and all safeguards against the unauthorized and fraudulent use of the elective franchise need not be enumerated. The same reasons which induced the adoption of the plan of registration demand earnest effort to perfect the system. In order to counteract the evil—yielding at the same time to the justice and self-evident force of the judgments of the Supreme Court—I deem it my duty to recommend to you the reenactment of Section 5 of the Registry Act of eighteen hundred and sixty-nine, omitting the promissory clause of allegiance and loyalty to the Federal Government. Diligent effort should be used to invent a test which may be reconciled to constitutional provisions.

THE AGRICULTURAL COLLEGE.

By an Act of Congress of the United States, approved July second, eighteen hundred and sixty-two, and several Acts amendatory thereof, a grant of lands, amounting in the aggregate to ninety thousand acres, was made to the State of Nevada, upon the condition that at least one College of Agriculture and Mechanic Arts should be erected within five years from the passage of the Act. The period of five years fixed by the statute would have expired, and in consequence thereof, the grant would have been annulled on April ninth, eighteen hundred and seventy-two.

Recognizing the importance of the grant, admitting the inability of the State to comply with its conditions, and desiring an extension of time within which to fulfill the obligation assumed in its acceptance, the Legislature at its last session memorialized the National Congress on the subject.

I am pleased to be able to inform you that, by an Act of the Forty-second Congress, approved March sixteenth, eighteen hundred and seventy-two, the period fixed for compliance with the terms of the law was extended to the tenth day of May, eighteen hundred and seventy-seven.

REORGANIZATION OF THE JUDICIAL DISTRICTS.

Inquiry from the Clerks of the counties composing the several Judicial Districts of the State, has revealed the following facts:

In the County of Esmeralda, comprising a part of the Third District, the Court sat in the years eighteen hundred and seventy-one and two, fifty-eight days.

In the County of Churchill, which embraces a portion of the Fifth District, the Court sat in the year eighteen hundred and seventy-one, four days; in the year eighteen hundred and seventy-two, six days.

In the County of Lyon, also a part of the Third District, the Court sat in eighteen hundred and seventy-one, forty days; in eighteen hundred and seventy-two, thirty-eight days.

In the County of Humboldt, which embraces the whole of the Fourth District, the Court sat fifty-seven days in the years eighteen hundred and seventy-one and two.

In the County of Nye, which embraces a part of the Fifth District, the Court sat in the year eighteen hundred and seventy-one, fifty-four days; in eighteen hundred and seventy-two, forty-two days.

In the County of Lander, which comprises the whole of the Sixth District, the Court sat in eighteen hundred and seventy-one, one hundred and three days; in eighteen hundred and seventy-two, ninety-one days.

In the County of White Pine, which comprises the whole of the Eighth District, the Court sat in the year eighteen hundred and seventy-one, one hundred and eight days; in eighteen hundred and seventy-two, sixty-seven days.

In the County of Elko, which comprises the whole of the Ninth District, the Court sat in eighteen hundred and seventy-one, seventy-one days; in eighteen hundred and seventy-two, fifty-five days.

The fact is incontrovertible that the judicial offices of the State are rapidly becoming sinecures. In several counties, the average length of the regular terms of the Courts has not exceeded a week's duration. This is not caused by a temporary season of dullness in litigation. The number of days of actual session has notably decreased in every instance in the year eighteen hundred and seventy-two. There is yet no prospect of any improvement in the future.

The task of remodeling and rearranging the Judicial Districts before the general election of eighteen hundred and seventy-four, will fall upon the present Legislature. In many cases, counties which now comprise whole districts, may be united for judicial purposes. Humboldt may be joined to Elko; and Nye to White Pine. In view of the possibility of the division of counties, and the formation of others, the suggestion may be offered, that a single Judge will be amply competent to discharge the duties of the bench for both the old and the new position. Careful consideration of the rights of litigants and taxpayers, will lead to the conclusion that justice and economy will be subserved in reducing the expenses of this department of the State Government.

CENTENNIAL CELEBRATION OF AMERICAN INDEPENDENCE.

A law of Congress, approved June first, eighteen hundred and seventy-two, authorizes the organization of a Centennial Board of Finance, composed of members from the different States and Territories, apportioned according to their representation in Congress. Their duties are to raise by subscriptions to stock authorized by that law, the sum of eleven million dollars, for the purpose of carrying into effect a law approved March third, eighteen hundred and seventy-one, creating a Board of Centennial Commissioners, whose duties are to make all needful preparations for the celebration of the One Hundredth Anniversary of American Independence, by holding an international exhibition of Arts, Manufactures, and Products of the Soil and Mine, in the City of Philadelphia,

and State of Pennsylvania, in the year eighteen hundred and seventy-six.

The quota of stock allotted to Nevada is eleven thousand and twenty dollars, which I earnestly hope may be subscribed by our citizens. This is not intended as a donation, but as a subscription to the stock above referred to. It is probable that the money subscribed will be fully reimbursed, and a fair rate of interest returned with the principal.

It is sincerely to be wished, that, whatever other States may do, the young State of Nevada may fully respond to the call made upon the patriotism of her citizens.

I have nominated to the President of the United States for appointment as Commissioner and Alternate Commissioner to represent Nevada, Hon. William W. McCoy, of Lander County, and Hon. James W. Haines, of Douglas. Commissions to these gentlemen have been issued by the Department of State.

The law creating the Centennial Board of Finance names for this State, F. A. Tritle, of Storey, J. W. Haines, of Douglas, C. H. Eastman, of Washoe, and B. H. Meder, of Ormsby. For Nevada, as Congressional District, Frank Tilford, of White Pine, and S. H. Wright, of Ormsby. To the above named gentlemen is assigned the raising of Nevada's quota.

This occasion will call together upon the day of our centennial jubilee a greater number of persons than have ever assembled on this planet at any time in its known history.

THE STATE PRISON.

Since the establishment of the State Government my predecessors have urged upon the Legislature a change in the management of the penitentiary. In their requests to that end I fully concur. The scheme of management settled upon by the Act of March fourth, eighteen hundred and sixty-five, is complicated and unwieldy in the extreme. The performance of numerous duties is enjoined upon the Commissioners without the powers adequate to their enforcement. At any moment the discipline of the prison may be endangered by a conflict of authority between the Warden and the Board. While no serious disagreement of this character has yet taken place, it would be prudent to use all efforts to avert the possibility of its happening. Two courses of action present themselves for your choice in the solution of this difficulty. They are, either to relieve the Warden or the Board of all charge in the premises. Either of the present officers would be entirely capable to manage the prison. Now, there is divided responsibility and limited power. A single officer, himself only answerable for the performance of his duties, would be far more successful in the experiment than the managers now in office.

It is to be hoped that the frequency and persistence with which these views have been reiterated will entitle them to your careful consideration.

The site of the prison was an unfortunate selection. The building itself lacks size and strength. The number of trades which may be taught to the prisoners, in order to reclaim them from a life of vicious idleness and render their industry productive to the State, is very limited. Many of the convicts are now employed in stone cutting, others in shoe making, while many more are altogether unemployed.

In view of the necessity for an asylum for the insane, it may be suggested that with trifling alterations the prison building would serve that

purpose. A location on the Truckee River should be selected for the new prison. A site should be chosen convenient to timber and water power, where the labor of the convicts might be utilized in the erection of the building, as well as in subsequent tasks. The removal of the prison and the adaptation of the old building to its new purpose may be accomplished with economy and convenience. It will subserve the best interests of the State that these measures be initiated without delay. The number of convicts is increasing so rapidly that additional accommodations will be shortly needed.

A biennial appropriation of the sum of ninety-five thousand dollars was made at the session of eighteen hundred and seventy-one. The expenses of the prison during that term amounted to the sum of eighty thousand eight hundred and seventy-one dollars and twenty-three cents, leaving an unexpended balance of fourteen thousand one hundred and twenty-eight dollars and seventy-seven cents.

The sum of five thousand dollars was expended in the payment of rewards for the recapture of prisoners who escaped in the outbreak of September seventeenth, eighteen hundred and seventy-one. This expense was exceptional. The increased vigilance and larger number of guards at present employed will prevent the possibility of such an occurrence in the future.

PARDONS GRANTED.

PARDONS GRANTED DURING 1871-2.

Name of Prisoner.	Court Convicted in.	Term of Sentence.	Date Conviction.	Date of Pardon.	Cause of Pardon.	Crime.
M. Cullinan.....	1st Dist., Storey County	Two years.....	April 4, 1870.....	Jan. 25, 1871.....	Failing health and approaching death.....	 Forgery.
Charles Smith.....	1st Dist., Storey County	Twenty-one years.	Jan. 25, 1865.....	Jan. 25, 1871.....	Uniform good behavior, adequate punishment.	Murder, second degree.
Moses Remington.....	1st Dist., Storey County	Two and half y'rs	June 1, 1871	June 3, 1872	Good behavior and adequate punishment.....	 Assault to murder.
Matthew Young.....	Elko County	Five years.....	Aug. Term, 1869	May 25, 1871.....	Good behavior and adequate punishment	Assault with intent to commit murder.
John R. Darling.....	1st Dist., Storey County	Fourteen years.....	June 30, 1866.....	Aug. 21, 1871 ...	Sufficient punishment..	 Robbery.
Robert Deadman	1st Dist., Storey County	Life	Sept. 6, 1869.....	Oct. 4, 1871.....	Gallant behavior and important services in outbreak Sept. 17, '71.	Murder, second degree.
Ed. Gayette	1st Dist., Storey County	One year	April 13, 1871.....	Oct. 14, 1871.....	Same as Deadman.....	Assault, deadly weapon
John Burke	Elko County	Forty years.....	March 27, 1870...	Aug. 21, 1871 ...	Good behavior and adequate punishment	Murder, second degree.
V. W. Cleveland.....	1st Dist., Storey County	Two years	Dec. 1, 1869.....	March 7, 1871...	Good behavior and adequate punishment	 Forgery.
William Little	4th Dist., Humboldt Co.	Five years.....	Dec. 10, 1870.....	Dec. 13, 1871 ...	Good behavior and adequate punishment	Murder, second degree.
G. W. Klein	3d District, Washoe Co.	One year	Dec. 10, 1870.....	Oct. 14, 1871.....	Expiration of term within four days, by deductions on account of good behavior	 Grand larceny.
John Donovan	6th Dist., Lander Co.....	Two years	July Term, 1870.	August 7, 1871..	Good behavior and adequate punishment	Assault, deadly weapon
U. W. Hutchinson ..	8th District, White Pine.	Ten years.....	August 8, 1870...	August 12, 1872.	Good behavior	 Manslaughter.
J. A. Bryant.....	Douglas County	Jail, 175 days.....	May 5, 1871	August 7, 1871..	Adequate punishment...	 Petty larceny.

John Simmons	Douglas County	Jail, 175 days.....	May 5, 1871	August 7, 1871..	Adequate punishment...	Petty larceny.
José Martinez	1st Dist., Storey County	Two years	Sept. 1, 1870	May 1, 1871.....	For restoration to citizenship	Burglary.
F. H. Hallywood— (Colored).	1st Dist., Storey County	Two years.....	August 10, 1869..	April 24, 1870...	Restoration civil rights..	Grand larceny.
Charles Grady	5th Dist., Nye County..	Three years.....	May 20, 1870.....	Feb. 2, 1872	Adequate punishment ..	Assault with intent to commit murder.
James Walsh	6th District, Lander Co.	Eight years.....	Dec. 22, 1869.....	Feb. 2, 1872	Good behavior and adequate punishment	Manslaughter.
Shepard L. Wixom.	6th District, Lander Co.	Eighteen months..	July 15, 1871.....	Feb. 2, 1872	Ill health, consumption, further confinement would result in death.	Aiding prisoner to escape.
Wm. S. Broadwater.	6th District, Lander Co.	Twenty years.....	May 2, 1867	Feb. 7, 1872	Good behavior and adequate punishment	Murder, second degree.
Gustave Atchison.....	7th Dist., Nye County ..	Three years.....	October 22, 1869.	May 16, 1872....	For restoration to citizenship	Assault to rob.
R. B. Jones	7th District, Lincoln Co.	Five years	Sept. 1, 1871	June 10, 1872 ...	Evidence insufficient to justify conviction.....	Grand larceny.
John Nery	7th District, Lincoln Co.	Five years.....	Sept. 1, 1871	June 10, 1872 ...	Evidence insufficient to justify conviction.....	Grand larceny.
George Newton	8d Dist., Lyon County..	Life	January 29, 1869.	June 10, 1872 ...	Entrance plea of guilty on promise by Judge of intercession after two years	Murder, second degree.
James Murray	1st Dist., Storey County	Four years	October 19, 1871.	June 26, 1872 ...	Necessary self-defense ..	Manslaughter.
Cornelius Buckley...	6th District, Lander Co.	Three years.....	March 16, 1870...	Sept. 23, 1872...	Good behavior	Assault to rob.
S. B. Richards.....	6th District, Lander Co.	Life	Sept. 23, 1867....	October 2, 1872.	Good behavior and adequate punishment	Murder, second degree.

Many of the persons mentioned in the preceding list have given evidences of permanent reformation. A gratifying proof of this assertion may be found in the fact that of the whole number pardoned but *one* has relapsed into his former ways of crime. The Board, in the use of their powers in granting pardons to applicants for clemency, have considered the prior life and character of the convict. It has been their aim to repress habitual crime. A single transgression may be condoned, but persistent infractions of the law should be sternly and severely dealt with. If the Board have erred in any case, it has been on the side of mercy rather than severity.

MILITIA AND STATE ARMS.

In compliance with my requisition upon the Secretary of the Department of War of the United States, under date of April fourth, eighteen hundred and seventy-two, the State of Nevada received from the Rock Island Arsenal the following invoice of arms, ammunition, and accouterments: Two three-inch wrought iron rifled cannon, with carriages, caissons, and limbers complete; an assortment of time and percussion shells, case shot, and canister; five hundred and ninety-six Springfield breech-loading rifled muskets; five hundred and ninety-six sets infantry accouterments. The total value of these arms is estimated to be the sum of nineteen thousand one hundred and twelve dollars and ninety cents in United States currency. The cannon are in my possession, awaiting a requisition from some authorized officer of the State militia. The ammunition and accouterments, together with the breech-loading arms, are stored in a place of convenience and safety, at a moderate monthly expense.

TREATMENT AND MAINTENANCE OF THE INSANE.

By Chapter LIV, statutes eighteen hundred and seventy-one, approved March third, eighteen hundred and seventy-one, the Governor, Controller, and Treasurer were appointed a Board of Commissioners for the purpose of providing for the care and maintenance of the indigent insane of the State. Authority was given to the Board to purchase a site and erect buildings suitable for an asylum thereupon, and to remove thereto the insane of the State then under treatment at Stockton, California. For the accomplishment of these purposes, and in order to carry out the provisions of the law, the sum of fifty thousand dollars was appropriated.

The Board, after mature deliberation and consultation, deemed it inadvisable to exercise the powers conferred by the statute, for several reasons. A principal one was the inadequacy for the sum placed at their disposal. No building, at the same time of suitable capacity for present needs and sufficiently commodious to meet the requirements of the near future, could be erected for the amount named. Further reasons may be found in the recommendations I have had the honor to submit in regard to the State Prison.

In the month of March, eighteen hundred and seventy-one, I received notice from the Directors of the California State Insane Asylum that the patients then confined in the institution under their charge must be removed. They were accordingly transferred to the care of Drs. Samuel Langdon and Asa Clark, then of Stockton, California, physicians of ability and experience in the treatment of mental disorders. A contract

was afterwards executed between the Board and Drs. Langdon and Clark, for the maintenance and medical attendance by themselves, at their asylum at or near Stockton, of the then patients at Stockton, and those who should be thereafter delivered into their charge. The continuance of this contract was limited to the term of two years, but could be annulled at any time by the Board for just or reasonable cause, after notice of the non-performance of its provisions. The rate of compensation agreed upon was the sum of nine dollars in gold coin per week, payable monthly, for each patient. This sum, including, as it did, all expenses for clothing, subsistence, fuel, and medical attendance, it is believed is a just and reasonable charge.

Subsequently, by the consent and with the approval of the Board, the insane patients were removed to an asylum at Woodbridge, San Joaquin County, California. The buildings at present occupied by them are situated in a healthful and beautiful region. The climate is mild and uniform. I am satisfied, from personal inspection upon the spot, that these unfortunate wards of the State are comfortably clothed, lodged, and fed. The treatment is skillful and humane. Every effort is made to alleviate their sufferings and permanently restore their impaired intellects.

RESIGNATIONS AND APPOINTMENTS.

On the sixth day of November, A. D. eighteen hundred and seventy-two, the Hon. John Garber, a Justice of the Supreme Court, elected at the general election of eighteen hundred and seventy for the term of six years, tendered his resignation. It was accepted with reluctance.

In the exercise of the power of appointment vested in the Executive by the Constitution, I tendered the vacant position to the Hon. Charles H. Belknap, by whom it was accepted. Judge Belknap immediately qualified, and has since continuously fulfilled the duties of the position.

CORRUPTION OF POPULAR ELECTIONS.

The Constitution of the State (Article IV, Sections 10 and 27,) contains the following provisions:

SECTION 10. Any person who shall have been convicted of the embezzlement or defalcation of the public funds of this State, or *who may be convicted of having given or offered a bribe to procure his election or appointment to office, or received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of profit or trust in this State;* and the Legislature shall, as soon as practicable, provide by law for the punishment of such defalcation, *bribery, or embezzlement, as a felony.*

SEC. 27. Laws shall be made to exclude from serving on juries, all persons not qualified electors of this State, and all persons who shall have been convicted of *bribery, perjury, forgery, larceny, or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.*

By some strange oversight, a compliance with the foregoing express mandates of the fundamental law seems to have been omitted by your predecessors. I beg leave to request your attention to the urgent and

immediate necessity existing for the passage of penal statutes, which may tend to correct and repress a growing and menacing evil. Under the sanction of the Constitution, there need be no fear that the limits of just severity may be transcended in fixing a punishment for the crimes which it especially condemns. Disqualification, which follows as the necessary consequence of conviction, is the deserved disgrace which should be the brand of personal corruption. It reduces the criminal to the lowest level of personal debasement. The hope of honorable elevation being forever dissipated, the prime motive of corruption is removed. This is equally true of the recipient of a bribe. The paltry sum which is received as the present price of a single ballot, will avail nothing as against the fear of exclusion in the future from the exercise of the elective franchise.

Mere pecuniary corruption is not the only reprehensible form which this invasion of civil rights has assumed. As great an evil, both in the extent of its operations, and in its pernicious character, is the practice of intimidation. The Constitution places the hindrance of the free exercise of voluntary political preferences by the threats of superiors, on the same plane with bribery. Other States, in their criminal codes, have dealt with these abuses alike. The end to be attained in any legislation of the kind suggested, is the complete independence of the citizen. The superior who threatens his employé or servant, is equally guilty with the equal who would sway the infirm purpose of poverty with money.

At no time in the history of Nevada have laws of this character been unnecessary. From the day of her admission into the Federal Union the evil has been patent. Remedial and preventive legislation is not now suggested on account of the occurrences of the immediate past, but because of a necessity which has always existed. The unbounded extent which the corrupt use of money attained in last November, forced the subject on public attention. The Press of all parties noticed and condemned the practice. No argument, no excuse was offered on any hand in defense or palliation. It became a subject of popular discussion. It was denounced as the bane of public purity; the danger which menaced the continued existence of republican institutions; the evidence of a degraded indifference to the duties of true and enlightened citizenship; the debasing influence of private ambition which dared not confide in and await the unbiased verdict of popular approval.

The stringent enactments of the California Code will serve as useful models for criminal laws of the kind suggested. A law of that character, strictly enforced, will go far to redeem the right of suffrage from the depths to which it has fallen.

CONCLUSION.

The general quiet and prosperity of the homes within our borders extends beyond our national boundaries. The whole world is composed in the calm repose of universal peace. The clouds of war which lately darkened the clear expanse of the political horizon, have blown over. A peaceful solution of the difficulties between the Republic and the Mother Country, brought about by the wise diplomacy of the Federal Administration, has removed all apprehensions of foreign warfare.

An election almost unparalleled in the unanimity of popular sentiment, has conferred upon the present Administration a four years' lease of power. May we not hope, that in the course of the succeeding term, the

execution of the laws may be just, without being partisan; that the renewed intercourse between States lately divided by internecine strife, may cement the bonds of patriotic friendship which should join brothers in political faith, in birth, and in the common creed of Christianity? Our sincerest prayers should be offered, our most industrious energies bent toward the effacing of the last vestige of sectional feuds.

At home, a session of earnest, effective work is expected by our constituents. That expectation should not be disappointed. To the fulfillment of the complete duties of citizens and rulers, in our respective stations, I invite your cordial and most effective coöperation.

L. R. BRADLEY.