

APPENDIX

TO

Journals of Senate and Assembly

OF THE

TWENTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1919

VOLUME I



CARSON CITY, NEVADA

STATE PRINTING OFFICE

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JOE FARNSWORTH, SUPERINTENDENT

1919

STATE OF NEVADA

MESSAGE

OF

GOV. EMMET D. BOYLE

TO THE LEGISLATURE OF 1919

(Twenty-ninth Session)



CARSON CITY, NEVADA

STATE PRINTING OFFICE—JOE FARNSWORTH, SUPERINTENDENT

1919

GOVERNOR'S MESSAGE

STATE OF NEVADA,
EXECUTIVE DEPARTMENT,
CARSON CITY, January 21, 1919.

To the Honorable, the Senate and the Assembly:

It is my pleasant duty to deliver to you, as provided by the Constitution, my report on the condition of the State, together with my recommendation of such measures as appear necessary to the proper conduct of public affairs and the promotion of the public welfare.

This session, like the two which immediately preceded it, falls in unusual times. You will recall that the Twenty-seventh Session came in the doubtful days following the advent of the European War, when the normal commerce of the world had been arrested and when the effect of the great cataclysm upon us could not have been foretold, and that the Twenty-eighth Session came as we ourselves stood upon the brink of hostilities, but before we knew with definiteness that we were to become directly involved.

We meet now at the close of the great adventure in which we have, in the interval, taken so glorious a part. As it was impossible in 1915 and in 1917 to project our vision into the future, so it is impossible today to predict with any degree of certainty the events likely to transpire in the period of readjustment now upon us.

The war emergency called for many and unfamiliar governmental agencies. There were of necessity arbitrary and unfamiliar restriction, regulation and control of persons, industry and commerce. Our social life has been touched and altered by the operation of external and internal forces not the least of which were the new spirit of cooperation and the generous play of the spirit of self-sacrifice. Our business life has undergone an equal change. Altogether unusual usurpation by government of power over transportation and over industry has occurred. Thousands of our most active men went with the colors, and behind the army overseas and in the cantonments was the great supporting army of civilians at home in the munition factories, in the mines of iron, and copper and lead which produced the flood of raw mate-

rial that went into the machinery of modern war; in the mines of precious metals which enabled the Nation to conduct its credit operations; in the forests and on the farms. Perhaps nine million men and women have been employed directly in the military establishment and in the civil operations which served to equip and maintain it. Now the army is homeward bound and the industrial structure created to meet the needs of war is discontinued. The country faces the task of absorbing this great host into a state of peace in which nothing is, or ever will be, just as it was before.

So we stand on the threshold of a new world of old peoples sick of blood and sacrifice, but imperious in their demands that a higher morality in the acts of government come as the real fruits of victory.

Wars are not waged for light or trivial causes. It is certain that something worth while will come out of this greatest one. Back of our entrance in it lay a national passion for fair play; for humane relations and ideals; for the squaring of political acts with creeds. It was waged by no class, by no sect, by no political party, but by peoples whose ears could hear and whose hearts respond to solemn voices rising in protest against the ethics of governments.

How much nearer the sacrifice has brought us toward the realization of ideals at home and abroad, no man may say. If it has touched us spiritually at all, it touches us everywhere. If its fruits are to be better laws and better government, they may be garnered everywhere. The laws that you make and the government that we provide for our own Commonwealth must be in tune with the new morality. Our responsibility and our privilege must not be lightly appraised by us.

NEVADA WAR ACTIVITIES

The work of recording Nevada's accomplishments in the war is one for the historian. Suffice it here to say that no State did more, and perhaps no other State, in proportion to its population and resources, so much. It is confidently believed that the record will prove Nevada to have given a higher percentage of her population to the military and naval service of the Nation than was given by any other State. On the record we stand in the very forefront in our contribution of money and material. In no State were these contributions more spontaneously or more wholeheartedly made.

To the proud record of the thousands of men in the uni-

form of their country, who went out of Nevada while the emergency existed, should be added the equally proud record of the tens of thousands of men and women who stayed at home conducting the innumerable activities incident to the war—an army of volunteers in hard and exacting service.

Public officers, and particularly the state and county officers, charged with the administration of the Selective Service Act, assumed heavy burdens uncomplainingly.

The proper recognition of this service will devolve upon you as a duty and I recommend that appropriate testimonials issue under the authority of the State to the Nevadans in the military service and to the civilians who played worthy and conspicuous parts in the establishment of our unparalleled war record. Further, that this record may be secured in all of its detail and preserved to stimulate our state pride, I recommend that fitting appropriation be made to enable the Nevada Historical Society (which has done so much in the past to record and compile the state history) to undertake and complete this task.

STATE COUNCIL OF DEFENSE

In August, 1916, Congress created the Council of National Defense to coordinate and direct civilian activities over the then anticipated emergency period. Immediately following our entrance in the war the National Council called upon the Governors of the States to create State Councils of Defense as necessary adjuncts of the National Council. In many States special sessions of the legislatures were called to give these state councils legal status. Here the State Council, changed in form and personnel as occasion required, existed merely by sufferance and, it should be noted, received from the public direct a grant of power which made it one of the most potent of all agencies in operation for the conduct of public affairs related to the war. Its final organization embraced county and community councils in every county and in every school district in the State. The State Council thus became a well-equipped agency for the immediate transmission of governmental orders and requests to every corner of the Commonwealth and the most potent agency, likewise, for the creation of public sentiment in favor of many necessary and extraordinary war-time projects. It became an adjunct and an aid to such regularly organized departments as the Red Cross, the Liberty Loan Committee, the Fuel Adminis-

tration, and the Food Administration. Its quieting hand was felt in many communities where sharp differences of opinion arose to divert the minds of the whole people from the all-absorbing task of the period. Its work, in my judgment, is not fully completed. With the abandonment of the federal war-time machinery, its functions have become and will continue to become decreasingly important. There still exists, nevertheless, in the period of readjustment a need for this highly representative, far-reaching and efficient organization. It was supported in the past by the appropriation made to meet emergency military needs by the Twenty-eighth Session. The Council should now be given proper legal status and an appropriation sufficient to enable it to carry on such post-war operations as may hereafter be delegated to it.

THE CONDITION OF THE STATE

Owing to the stimulation of business and manufacturing throughout the Nation by the war abroad, the country, as a whole, and Nevada quite as much as any part of it, enjoyed unusual prosperity during the greater part of 1915 and throughout 1916. In particular was the war-time readjustment brought home to us by the enlarged demand for metals and for foodstuffs produced here. When the organization of our own great military machine began in 1917, calls for heavy production of copper, silver, tungsten, manganese, wool, and meats, together with the crops necessary to maintain this increased output, enormously stimulated both our mining and our agricultural activities. Prices for raw products were exceptionally high. More men were employed than ever before in our industries and at higher wages. We had no direct war industries, so-called, similar to those established in the industrial centers. We enjoyed the direct benefits of no training camps, no shipbuilding operations, nor of any of new emergency industries which sprang up over the land to meet the Nation's need. The benefits which came to us commercially were in the form of better prices for products and an augmented production at these prices. The extraordinary profits gained from our major mining operations, as heretofore, went elsewhere. Notwithstanding this, the growth of bank deposits and banking cash reserves in our financial institutions leads us to the conclusion that we did, in reality, benefit commercially quite as much as did our neighboring and apparently more favored western Commonwealths.

But many of the demands growing out of the emergency came as a result of the artificial control of shipping. That the shipping of the world might be diverted to the trans-Atlantic transport and trade routes, the War Trade Board established embargoes which had the effect of prohibitive tariffs on certain imports. As a result of this process of rerouting trade, there exists today in foreign, and in particular in the Oriental countries, in South America and in Australia, great accumulations of ores, wool and foodstuffs which will shortly come on the world markets in competition with our own products. The War Industries Board, over the period in which we, as a Nation, were contributing so largely to the needs of our own and the allied governments and peoples, found it necessary to compel the curtailment and in instances the suspension of normal industries here just as similar action was taken abroad by other belligerents. Prices rose, partly as a result of the inordinate increase in demand, and partly because of the unparalleled increase in the volume of money, so-called, in the belligerent countries. Where the Government found it necessary to requisition the major part of the production of any commodity, as it was compelled to do in the cases of wheat, copper, silver, mercury, and many other commodities produced here, it set prices that the public might be protected from competitive overbidding for the residue, and in most instances these prices were liberal. With the high prices on commodities came increases in living costs, which in turn had to be met by wage increases. What element in the ruling high prices is due to the operation of the law of supply and demand, and what element to the shrinkage in the general purchasing power of the world's greatly augmented volume of money, no one may with accuracy say. It seems certain, however, that prices and labor will not be for many years, if ever again, as low as they were in the pre-war period.

Affecting us most directly are the conditions existing in the markets for gold, copper, tungsten, lead, manganese, and zinc, among our metal products, and wool and wool-producing animals in our agricultural industry. With the sudden suspension of the manufacture of armaments and munitions came almost completely a suspension of the governmental demand for the metals referred to, together with the disclosure that the Government had in stock, as a part of its program of great production in 1919, enormous supplies of

raw material, especially of copper and wool, which will have to be diverted ultimately to other uses than those contemplated. The world stock of copper, not counting salvage, which will considerably augment it, appears to be nearly a billion pounds. The demand for lead has been cut practically to a third of the demand in 1918. Tungsten and zinc will suffer seriously, and the American product of the former will be in competition with the Oriental product, whatever this country may do by way of protective tariffs. A rapid decline in prices generally may be anticipated, though the need for American foodstuffs will, perhaps, exist for some time to come. The average wage increases throughout the world have been predicated on increase in the costs of other things. There will doubtless be efforts made to reduce wages in advance of the automatic reduction in the cost of living, and in some sections deliberate curtailment to effect this—a condition likely to produce industrial unrest and dispute.

When the armistice was signed there were, in round numbers, 3,700,000 men in the army and perhaps 5,000,000 workers employed in its supporting organization. The rate at which this host will flow back into the labor market cannot be predicted. It will depend on a thousand conditions still undetermined, of which the condition of peace will be one, the allocation of ships between our own transport and the transport of Great Britain, our own trade and the trade of the Allies, another. The rate at which it will be absorbed into industry hinges on the opening of suspended and curtailed industries; on the part which we are to play in the reconstruction of Europe; on the comities established between the nations; on the policy of State and Nation relative to public works and upon innumerable tangible and intangible things, not the least of which will be the condition of the public mind—the determining factor in all policies.

That we shall feel the effects of the readjustments, there can be no doubt. Already there has been curtailment in metal production and it should be noted that no stable market for copper, lead, zinc, manganese, or tungsten exists, and that none will exist until a program of peace-time construction and manufacture is inaugurated. A sharp decline in the price of live stock and agricultural products is likewise to be noted.

It is not improper to assume that the problems of the next year or two will be difficult of solution in Nevada, as they will

be difficult of solution everywhere. The state and local governments must be left equipped to meet these problems, but there is every reason for consideration by you of the question of true economy and efficiency in the handling of public affairs.

The financial condition of the State is excellent. From a condition of technical insolvency in 1915 we find ourselves today with all funds in excellent condition and the largest cash balance in the treasury ever reported during the history of the State. The report of the State Controller contains interesting data with which you might, with benefit, familiarize yourselves. This condition of state funds speaks for the improved machinery of revenue collection perfected during the past several years and for a general policy in state administration which has not interpreted a full treasury as an invitation to needlessly expend money, even though such money was appropriated by legislative action. The financial operations of the State are like those of private business, in that the cost of operation varies with prevailing prices. It is interesting to note that despite a growing assumption by the State of charges heretofore paid by the counties, despite unusually heavy burdens borne during the war, and despite high prices, the cost of state government has increased actually less than ten per cent since 1914 as against an increase in the cost of county government aggregating on the average nearly forty-one. The 1918 budget, upon which the income of this year was determined, took care of the anticipated abolition of liquor licenses.

In the minds of most students of the readjustment problem there exists the belief that the inauguration of a period of large public expenditures to care for the serious conditions of unemployment has become practically a necessity.

There is not, in my judgment, the same complaint directed against expenditures for needful and visible public works as we find directed against the costs of administration, which are the overhead costs in government corresponding to managerial costs in private enterprise. Administrative costs here, considering the sparsity of our population, compare favorably with those in other States—still there are obvious opportunities for consolidations and reorganizations which will effect reductions in the tax rates while in no wise impairing the service rendered. At the same time considerations of true and larger economy impel the recommendation for exten-

sion of service and increase of cost here and there. The matter of public works must be viewed as an element in a great emergency social question requiring in its consideration all of the elements of statesmanship which we can bring to bear upon it.

PENAL AND CHARITABLE INSTITUTIONS

The state penal and charitable institutions have been conducted over the past two years under unusually trying circumstances. The populations of all four—the State Prison, the Nevada State Hospital for Mental Diseases, the Orphans' Home, and the Nevada School of Industry—have shown substantial increases. The cost of labor and supplies likewise has increased markedly and in all save one—the Nevada School of Industry—appropriations were, of necessity, exceeded.

Relief bills covering these deficits will be presented to you with the request that you critically examine into expenditures both as a basis for intelligent criticism and action regarding past operations, and as a guide to you in making appropriations for the coming two-year period.

It may be noted that the Nevada School of Industry is and has been for some time under the management of a specialist in reform work of the type for which it was created. Its present organization follows closely that of the Preston School, in California, which stands in the front rank of the reform schools of the country.

Enough has been gleaned in the operation of this school to point the way to intelligent reform in the management of our other institutions caring for the defectives in our population.

The State Orphans' Home was not only the first state institution of its kind in the United States, but it stands, under its present management, as the best of the many which have since been created.

Both the Prison and Asylum have progressed measurably in the past two years. The appropriation made in the Twenty-eighth Session for a new cellhouse remains unexpended, owing to the federal request that construction be curtailed over the war period; though the major part of the stone for the new building has been quarried and cut by the inmates. You are referred to the reports of those in direction in these institutions. For many practical reasons

the system in vogue requiring the State to pay for the transportation of those committed to the Prison should be changed and the counties required to assume this burden. There is excellent reason for the existence of the suspicion that the present plan is resulting in the committal of many cases to the state penitentiary which should properly be handled in local jails.

A genuine need exists for reform in the control organization of the penal and charitable institutions. Nevada is the last of the Western, if not of the entire United States, to abandon the ex officio control boards charged with the duty of caring for the unfortunates and the defectives in our society.

Under this political system definite policies extending over long terms are impossible and the selection of properly trained institutional executives is made difficult, even for those who desire to subordinate politics to the real public welfare.

The recommendation that an unpaid and bipartisan Board of Charities and Corrections be created to control the state institutions, is hereby renewed. The endorsements of this proposal by many civic organizations in the State will be transmitted to you.

EDUCATION

Notwithstanding many deterrent influences over the war-time period, education in this State has progressed in a most satisfactory manner. In no small measure credit for the progress in our secondary schools for the past eight years is attributable to the untiring energy and devotion of the late lamented John Edwards Bray, former Superintendent of Public Instruction, whose death, on January 1, 1919, it is my unhappy duty to report.

The Twenty-eighth Session took a forward step in the enactment of a school fund apportionment bill which tended to more nearly equalize the burden of maintaining the public-school system. I am convinced that the State should levy and collect the major portion of the taxes required to support the secondary schools. A survey of the manner in which this burden now falls provides conclusive evidence that the cost of education in different localities varies unreasonably. This education is compulsory. Its standards are set by state agencies. There is no equity in a proposition which over-

burdens the poor community, while practically exempting the rich community from the payment of all but nominal taxes in the procurement of equal service. The resources of the State should be pooled for the support of the system as a whole.

The Department of Education will present during the course of the session measures providing for the transfer from the local community to the State of a larger portion of the secondary-school expense. It is not proper that the State should assume the entire burden of school support since local taxation is, in some measure, necessary to provide healthy local interest in school management. Neither is it proper nor expedient that communities be deprived of the right, should they so elect, to extend their systems beyond the standards set by the State. Nothing in the recommended measures referred to will depart from principles tested in the experience of other Commonwealths.

Serious consideration should be given by you to the restandardization of the salaries paid to school men and women. No adequate increase in these salaries has been possible over the past two years because of budget limits. The injurious effects of our policy in this regard was conspicuously noticeable at the beginning of the present school term, when it became necessary to abandon educational standards in order to secure teachers. The strong school men and women who remained in service here over the war period, deaf to the call of larger personal opportunity elsewhere, are entitled to the gratitude of the people. A condition must not be permitted to arise which will result in the loss of these men and women, with others of their type, as the result of our inability to meet competition for their service.

There have been created during the past several years, in four of the communities of this State, mining schools which have extended the benefits of technical education to many men who would otherwise have gone without. The value of these schools has been proven. Facilities should be provided for the popular extension of technical and vocational education, not only in mining, but in other professional fields. The Smith-Hughes Act providing federal subsidy for enterprises of this character now well and flexibly meets the situation. The laws creating these mining schools should be repealed, and the schools then transferred to the jurisdiction

of the public-school system, to be maintained—as they may admirably be—on the cooperative plan provided for in the federal act referred to. The exact effect of this change on state and local tax rates will be supplied to your Ways and Means Committees either by the Department of Education or by my department during the progress of your session.

Sympathetic and unbiased consideration should be given the needs of the Department of Education for an enlarged field and office staff. It has been over the past four years woefully neglected in this respect, thereby entailing burdens on the office of the Superintendent of Public Instruction more difficult to carry with its meager and overworked force than those of any other department.

The Board of Regents of the University of Nevada elected in September, 1917, as the executive head of the institution, Dr. Walter E. Clark, a noted educator and publicist, who assumed the active duties of the presidency on January 1, 1918. Dr. Clark has proven himself an exceptional business manager, capable of large grasp of the State's educational needs and possessed of the qualifications necessary in the chief officer of the State's institution of higher learning. I unhesitatingly predict that his influence will be felt in larger and larger measure as his acquaintance with the State and its people broadens.

It is gratifying to note that the University has been and is extending its influence far beyond the confines of the campus. It administers the public-service departments which have to do with the solution of many of our most perplexing social and industrial problems. It is, under the law, the administrator of the Smith-Lever Act which extends the special benefits of training and culture into the rural communities of the State. Its corps of experts are the advisers of the plain people in most of the technical problems which they have to solve. I believe the institution to be proceeding with the democratization of vocational and higher education at a rate more rapid than that attempted in any other State and with commensurate benefit to the public. You are respectfully referred to the report of the Board of Regents and to that of the President. Notably in this appears the record of accomplishment in preparation for agricultural training of a high order.

A crying need exists at this time for the extension of the University plant to include a properly equipped and housed

Teachers' College. The significant fact appears on the records of the Board of Education that from 150 to 200 teachers are brought annually into the State to supply the needs of the secondary schools. No professional field here affords at this time the wide opportunity to be found in the teaching profession in Nevada. As a matter of state pride and as a matter of state development we should be dependent more upon our own resources in this respect. A proper leaven of outside influence is necessary at all times. It does not appear necessary, however, that the great majority of our teachers should come from abroad, and I am inclined to think that, despite the large measure of devotion to duty evidenced by the men and women, trained elsewhere, to educate our children; true interpretation of Nevada spirit and Nevada ideals is lacking in a system which goes so generally without the boundaries of its own jurisdiction to secure its educational staff. An appropriation for a Teachers' College building, together with funds for its equipment and support, is recommended as a proposition which has elements both of business and domestic policy to recommend it.

The Bureau of Mines of the Department of the Interior has been authorized to establish throughout the States a certain number of mine experiment stations equipped to conduct research work of a practical character. Nevada has in its problems important questions affecting the mining industry. Among these may be enumerated such problems as the leaching of oxidized and silicious copper ores to make commercially available large tonnages known to exist in this State which are too low-grade to stand shipment to smelters and which do not lend themselves to treatment by any of the commercial processes thus far developed; the intensive study of the oil-shale problem which is destined ultimately to solve our fuel problem in the intermountain country, and the providing of proper technical research laboratory facilities to the small operator who is unable to support institutions of this character on his own works.

It is probable that Nevada may in the near future be offered one of these stations. Its benefits to our mining industry would be well-nigh incalculable. One of the terms laid down by the Federal Government, which will in large measure support it, will be that it be properly housed at state expense.

Other legislation before Congress provides for the establishment in each State of an Engineering Experiment Station to be supported wholly by the Government as a counterpart of the Agricultural Experiment Stations established under the Hatch Bill. If Nevada is to derive the benefits of these federal grants, provision must be made for their acceptance on terms laid down by the Government. In the main, these terms will go no further than to require proper housing facilities. An appropriation should be made at this time for an engineering experiment building at the University, to be erected only in the event of the selection of this State by the Government as the site of one of such stations.

INDUSTRIAL RELATIONS

I am not alone in the assumption that the great immediate problem of the National and State Governments over the coming months will be the problem of unemployment. With it will come the danger to harmonious relations between employer and employee; danger of the absorption by idle and discouraged groups of false philosophies and increasing danger to the State of the recurrence of the intense and bitter industrial disputes which at one time served to write disgraceful pages in the history of the intermountain country.

I.W.W.ism, with its false and brutal philosophy, has not been and will not be successfully combatted by mob rule or by methods which do not lie wholly within the law, and it lives and thrives on the petty autocracy manifested in the inconsiderate acts of Capital. Yet the principle of "direct action" in the forcing of economic and social reforms is more a menace to the State than to any industry within it. Over the war period forced industrial relations existed. Employer and employee were compelled by the sheer force of public opinion, if by nothing else, to adjust conditions by the saner methods of conference, compromise and arbitration. Faced by the all-important task of successfully conducting a great war, the Government refused to tolerate the assumption by either side in an industrial controversy of the right to dictate to the other. We may perhaps no longer invoke so compelling a voice of the public interest in matters of this character, even while feeling that the consequences of industrial discord may have results more damaging and more far-reaching than might have been the results of similar actions in the period of the great emergency.

Suddenly, from a position of great independence, Labor finds itself likely to be reduced to a point where great numbers in its ranks will become the subjects of public and private charity. Moreover, on the record, Labor, over the war-time period, met in the most admirable manner the demands and the requests of governments, state and national. In the face of rising costs of living, wage increases over this period were surprisingly moderate. Conspicuously in this State, no labor group failed to meet the request of the State that differences be arbitrated or adjusted.

The constitutionality of any legislative measure attempting to force arbitration or conciliation of industrial disputes, has been questioned. Nevertheless there exists today as never before in the history of the country, a genuine need for machinery which will permit vigorous and intelligent assertion of the public interest in disputes which may, in so sparsely settled a State, shake our organized society to its very foundation. Careful consideration of some plan patterned after the Canadian Conciliation Act is urgently requested of you.

The Labor Commissioner, to whose admirable report you are respectfully referred, has been, and should be, the adviser and the consultant of the working man. His department should be supported to the extent that he may provide at any time the full statistics relative to comparative wage scales, the best thought thus far brought to bear on industrial problems, together with such other facts as may be necessary to equip Labor to judge intelligently of the fairness with which it is dealt.

The Industrial Commission presents in its report a record of accomplishment which must command the admiration of every one. I believe that all funds in excess of the amounts set aside to care for contracted liabilities, plus a hazard fund of \$100,000, should be returned pro rata to the contributors, either directly or in the form of temporarily reduced rates. As a measure of protection to the workers, the acceptance of the Act by the industries of the State should be made compulsory. The spirit of the Act should be preserved by amendments increasing the compensation, by the raising of the base wage factor or by the increase of the percentage of the present wage factor used in computing the schedule of awards.

I respectfully request your favorable consideration of a

semimonthly pay-day bill, as a measure of practical assistance to both the wage-earner and the merchant in cooperative consideration of the question of the cost of living.

The experience of both Great Britain and the United States over the war-time period develops the necessity for an extension of the eight-hour law as it applies to women workers. The establishment likewise of true economic equality between men and women in industry is in line with advanced thought on this subject.

I most earnestly recommend the enactment of a law prohibiting the employment of any but American citizens on public works after making proper exemptions to permit the employment of convicts on roads and in other specified non-competitive employment.

TAX REFORMS

I again respectfully invite your attention to needed reform in the organic law relating to taxation. Nevada has the most inflexible, the most cumbersome and the most inequitable tax laws of any State in the Union, and no amount of constitutional legislation will serve to remedy the evil.

The setting of the tax rate by the Legislature in advance of assessments is a relic of bygone days, which no progressive State maintains. The "uniform rule" established in Article X of the Constitution has been abandoned in every State where serious consideration has been given to the problem of equitably raising public revenue. Coupled with this obsolete and impracticable proposition is our provision relating to the taxation of the net proceeds of mines, an invention of the early-day mine operator, which found lodgment in the constitution of other States, but was vigorously opposed by all exponents of fair play, when our Constitution was adopted here. Its effect over half a century has been to overtax the small mine, to grossly undertax the large producer and to compel an undue assumption of the burden of the cost of government by all other property and industry. Had the equitable share of the burden of taxes escaped by the mining industry here since the inception of statehood been set aside in a special fund, the interest on that fund would today pay all of the direct expenses of the State Government. The States about us have proceeded with the correction of such early mistakes. I again urgently

request you to take favorable action on a resolution proposing the amendment of the Constitution in this respect, and will seek your permission later to present the facts in this matter in extended form.

PUBLIC HEALTH

While the State has, through the agency of the Veterinary Control Service and through the Livestock and Sheep Commissions, made ample provision for the quarantine and proper care of animal diseases, it has allowed the public health laws to lag far behind those of other States which profess to consider this question as important.

The Board of Health of Nevada has been, from the beginning, nothing more than a Bureau of Vital Statistics. Its power to enforce necessary regulations in epidemics; to cooperate properly with the Government in crises of various kinds, and to meet emergencies such as that created by the influenza epidemic (which it must be noted still exists), has been altogether inadequate to meet requirements.

Some months ago, at the request of the members of the Board of Health, the Surgeon-General of the United States made a survey of the situation in the State of Nevada and recommended needful legislation to make us competent to cope with situations which from time to time arise.

I most earnestly ask your favorable consideration of a bill giving the Board of Health wider powers.

SOCIAL REFORMS

Nevada having expressed herself unequivocally and favorably on the matter of state prohibition, and both political parties represented here having in their platforms pledged their legislative representatives to the ratification of the Amendment to the Federal Constitution providing for National Prohibition, you are urged to promptly and unanimously ratify the federal action.

The present gambling law, though aimed to prevent exploitation by professional gamblers, has failed to accomplish this purpose. A rigid enforceable law designed to prohibit gambling in all forms, including slot machines and race-track betting, should be enacted at this session.

ADMINISTRATIVE REORGANIZATION

The complaint against the technical boards which have of late years entered into American governmental operations has been largely based on the consideration of expense.

It will be found that few, if any, of the boards or commissions existing at this time in Nevada, fail to produce results, measured in terms of dollars and cents, justifying their existence. The consolidation and reorganization of certain of these boards may, nevertheless, be justified. The future functions of the Railroad Commission will be determined, in large measure, by the federal policy, yet to be announced, regarding the railroads. This board is likewise the Public Service Commission and it performs, in addition to the function of establishing rates and services, the important duty of representing shippers and the general public before federal commissions and courts and in the courts of this State. It has in the past rendered an invaluable service and will continue to render similar service in the future.

In passing I desire to pay tribute to the memory of Judge Bartine who, from the inception of the Commission until his death in August, played a brilliant part in establishing the Railroad Commission of Nevada as one of the great governmental agencies of the West.

The Tax Commission is, in advance of constitutional amendment affecting taxation, an indispensable instrument in the State's revenue machinery. The original Act expired by limitation in 1917 and the securing of the reenactment of the principle compelled the acceptance by the administration of a compromise plan of organization.

No reason exists why the Tax Commission should not be consolidated with the Railroad and Public Service Commission.

The State Board of Equalization, made up of the County Assessors and the Tax Commission, was likewise a compromise—added to carry the Tax Commission over a difficult period in its history when the public hostility to it was employing destructively every practical instrument at its command to discredit state intervention in the collection of revenues.

As at present constituted, the State Board of Equalization is cumbersome and expensive. It has performed its work well and has doubtless served to break down many of the barriers which at the outset prevented harmonious relations between the State and its detached field force of revenue collectors. You will doubtless be advised regarding the sentiments of your constituents in the matter of a return to a compact, central control of assessments and taxation.

I do not desire to be dogmatic or arbitrary regarding the exact form which the Tax Commission or Board of Equalization should take, but will welcome conference with you on the subject.

No practical obstacle stands in the way of the consolidation of the Land Department with the office of the State Engineer and that of the Highway Department, although, in my judgment, no large practical economy would be effected by such a consolidation of organizations equipped to carry out effectively the work of all.

A reorganization of the Nevada Industrial Commission might, with benefit, reinstate the State Mine Inspector with enlarged functions as a member of the said board which, in reorganized form, might go more seriously into the matter of industrial inspection, the consideration of the prevention of industrial accidents, and the adjudication of industrial differences.

Proposals for radical changes in the organization of the State Government have been made from time to time. In 1915 and in 1917 I recommended constitutional amendments providing for the institution here of the so-called short-ballot principles which in effect would reconstruct the State Government along the lines upon which the National Government is organized. The state governments, alone among the governments of the world, retain the principles of electing the heads of the coordinated branches—a process which, while supplying ample checks and balances, departs absolutely from managerial processes employed in all of the efficient enterprises in the world, be they public or private.

I am not certain that popular education on this subject has proceeded to the point where the people are ready for so radical a change. I am convinced, nevertheless, that the first step in this reform should be undertaken at this time in measures providing for the appointment of the Attorney-General. It should be borne in mind that this will in no way affect the incumbent in the term of office for which he was elected.

I believe, likewise, that I should present to you during the course of the session plans for the reorganization of many existing ex officio boards.

The Governor, in cooperation with the State Controller and the Tax Commission, has, during the past two sessions, submitted carefully prepared budgets of estimated public

expenditures to the Ways and Means Committees of the legislatures. A law requiring the submission of an executive budget, made after critical survey of the needs and conduct of different departments, would tend to simplify legislative consideration of such questions, while acting as an extended check upon various departments.

While the Board of Examiners has doubtless the right to make rules and regulations governing public expenditures, this right should be definitely established by law that no question may exist as to the power of some administrative body to hold expenditures, not only within the limits of appropriations, but, at times, within the limits of funds actually available for expenditure.

RECLAMATION AND THE STATE ENGINEER'S OFFICE

Nevada has both profited and suffered as a result of the Federal Reclamation Act. We were the first of the States to receive the benefits of such an Act, and it fell to us to suffer the consequences of early mismanagement and experimentation. Unhappily, too, most of the rivers, the floodwaters of which might be stored for the irrigation of Nevada lands, head over the state boundary lines, thereby introducing an interstate element in all negotiations looking to the procurement of water rights for reclamation.

Genuine opportunity exists for very considerable extension of the irrigated acreage in the Truckee-Carson Project. There are internal problems to be solved in connection therewith in which the State may be called upon to take a hand. These include drainage and may ultimately go even to the extension of state credit in cooperative land-leveling enterprises. The vexatious questions involved in the control of the run-off of Lake Tahoe have not been settled, and there still exists a controversy between the Reclamation Service and riparian owners in California which has gone far in exhausting the patience of the Reclamation Service and of the Nevada state authorities who have familiarized themselves with the selfish and unreasonable opposition to the moderate control of the lake water sought by the federal department referred to. Intervention by the State in this matter may be recommended by me in the course of your session, for upon the securing of adequate control of the lake level depends largely the success both of the Truckee-Carson Project as originally planned and of the projected

and eminently practical program contemplating the irrigation of the Carson Valley.

It devolves upon the State likewise to enter into agreements with the Government for cooperative investigations of storage sites upon the Humboldt River. In this connection we are indebted to Lieutenant-Colonel James G. Scrugham, who has persistently and with measurable success sought to obtain a revival of federal interest in the conservation of water on this important source of supply.

While in Washington in December last a verbal agreement was entered into between the Reclamation Service and myself for this cooperative investigation, subject to the appropriation by your body of a small sum of money to meet federal expenditures in the compilation of existing data and the continuance of certain surveys. I am convinced that upon the success of our efforts to interest the Government in reclamation on this stream depends our ability to rapidly complete the adjudication of water rights appurtenant to its irrigated lands, and, in turn, upon the adjudication of water rights depends the ability of the State to morally promote the colonization of the large areas now held in private ownership.

The state machinery to be employed in the solution of this problem has been, after long and tedious litigation, held to be operative in conformity with the Constitution, although the test case favorably determining the constitutionality of the water law of 1913 as amended in 1915 is still up in the Supreme Court on petition for rehearing. General discussion of the question may be barred until our higher court renders a final decision. Suffice it to say that the State Engineer's office, although effectually estopped from the larger work of adjudicating rights for the past two years, accomplished results of tangible and measurable value in the effecting of temporary agreements over the low-water period of the past year looking to the largest possible use of our water resources obtainable under the circumstances.

In the larger reconstruction plans contemplated by the Government there stands out preeminently the proposal of Secretary Lane that the Nation embark upon a great program of reclamation. The benefits accruing to use from wise congressional action on this plan need not be enumerated. I will take pleasure in transmitting to you a draft of a bill proposed to permit the extension of federal reclamation

operations in the event that Congress authorize this extension. It seems unlikely that any argument favoring its passage will be necessary.

GOOD ROADS

The benefits of the Federal Aid Road Act were accepted by this State through the creation of a State Department of Highways during the Twenty-eighth Session, and this department was duly organized, in time selecting a Highway Engineer recommended by the Federal Bureau of Public Roads and Rural Engineering.

There has been no costly experimentation here with untrained men, and the State may, in my judgment, take pride in its Highway Department.

The Federal Act, which is controlling, appears to have been interpreted at Washington for some time in such a manner as to make it almost wholly inapplicable to Nevada conditions. The difficulties mentioned included:

- (1) The provision in the Act itself, which limited work to post-roads, or roads which might hereafter become post-roads; and the rules and regulations of the Department of Agriculture, defining post-roads, actual or potential;
- (2) The exacting survey regulations prescribed by the Department of Agriculture; and
- (3) The federal regulations respecting plans and specifications and the obtaining of rights of way.

It may be explained that a strict interpretation of the law would benefit no more than 250 miles of roads actually within the 1,450 miles comprising the Nevada Highway System. Federal survey rules are not adapted to the cheaper types of construction necessary here, nor are the federal regulation requiring specifications for actual road-building.

Such titles as are required by the Federal Government are at times almost impossible to obtain—particularly titles from railroad companies, which are themselves powerless to assist.

These difficulties promise to be cured by further Acts of Congress and by better understanding with federal agencies. Some state legislation, however, is necessary.

There should be some way of establishing the State Highway Department in possession of lands during the pendency of condemnation proceedings. Interpretation of existing laws promises continual embarrassment to the department if

its right to exercise the principle of eminent domain is not clearly and definitely established.

The State is in a position now to undertake an extensive road-building program. I continue in the belief that the annual sums appropriated by the Government under the Federal Aid Road Act should be met in this State by direct appropriations made from year to year, rather than by bond issues. There exists, however, a possibility of very considerable government subsidies, in addition to those provided by existing legislation, to such States as may be in a position to accept them on a proper cooperative basis, and, with this in mind, you should consider a program going beyond anything contemplated in existing measures. It is to be hoped that the Bankhead bill, or other federal legislation on this subject, will have proceeded to the point where our program may be definitely determined during the session.

Advance consideration by you of the issuance of bonds to meet such an extended program is recommended, since road-building may become a part of the nation-wide plan of public works considered at this time by many students as a necessary remedy for anticipated unemployment.

MILITARY MATTERS

The policy of the State in military matters must of necessity follow the federal policy. Thus far Congress has not defined the character of the army which will be created to meet future requirements. Many propositions, including universal military training, the restoration of the militia, the abandonment of the militia for a regular force recruited and maintained exclusively by the Federal Government, and combinations of all these plans, have their proponents in Washington.

It is impossible for me at this time, in the absence of a federal policy, to recommend definite legislation which will enable this State to play its proper part in the future army organization. It is to be hoped that we may be enlightened on this subject during the session.

Provision for the continuance of the Home Guard organizations, still willing to serve, and for proper support of rifle teams would appear to be justified.

Generic legislation extending the vote to men in the military and naval service of the United States should be enacted.

UNIFORM LAWS

There will be presented to you at this session drafts of uniform Acts relating to the misuse of the American flag; relating to conditional sales of goods, and relating to fraudulent conveyances. These drafts are recommended by the Nevada Commissioners on Uniform State Laws and are approved by the National Conference. Nevada already has adopted seven uniform laws, with the result that the inconvenience of diverse laws on single subjects has thereby been avoided.

FEDERAL JURISDICTION

I take occasion to transmit to you a request from the United States Treasury for an amendment to sections 1951-1952, Revised Laws of 1912, respecting the jurisdiction granted the Federal Government over federal sites in this State. This transmissal is a matter of course with the understanding that the request will be carefully considered.

I will also transmit separately with my approval drafts of Acts for the taking of acknowledgments and affidavits by military officers; the granting of the right of appeal to the State in *habeas corpus* cases, and respecting the disqualifications of a judge in certain cases.

FEDERAL FARM LOAN BONDS

At the request of the federal authorities, I ask you to consider the wisdom of making, so far as the Constitution permits, or the laws require, Federal Farm Loan Bonds legal investments for public moneys and for moneys of banks and trust funds.

THE LEAGUE OF NATIONS

To uphold the hands of those who at this time propose saner measures for the settlement of international differences than the wars which have through the centuries torn the world, I shall transmit to you the form of a resolution which has been submitted to the legislatures of all of the States by "The League To Enforce Peace," a patriotic association of Americans made up of leaders and members of both great political parties.

I sincerely trust that you may be able consistently to record the sentiment of your constituents as in favor of this memorial.

CONCLUSION

American government should express tendencies, even in advance of idealistic reforms. Nevada emerging from the

frontier stage of development calls for consistent and rapid progress toward better days than she has known.

Constructive statesmanship here will manifest itself in the promotion of civic pride; in invitation to capital to develop our industries in a true spirit of partnership wherein we neither oppress it nor tolerate oppression from it; in invitation to humbler citizens to come into a land of boundless resources, and into a society of pioneers which places high value on the simpler virtues and which holds honest and industrious citizenship above all other things. This statesmanship will look boldly into the agrarian tendencies, unhappily here as in many other places, going *from* rather than *towards* the ideal of small farms and independent rural communities, and will seek wise measures of correction. It will be intolerant of cheap and unwholesome politics of the old order. It will compel the subordination of private and public self-interest to the common welfare. May we not move measurably forward on this program?

A handwritten signature in dark ink, reading "James D. Boyle". The signature is written in a cursive style with a large, stylized initial "J".

Governor of Nevada.