

# JOURNAL OF THE ASSEMBLY

DURING

THE FOURTH SESSION

OF THE

Legislature of the State of Nevada,

1869,

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



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JOURNAL  
OF THE  
PROCEEDINGS OF THE ASSEMBLY  
FOURTH SESSION, 1869.

CONFIDENTIAL





# JOURNAL OF THE ASSEMBLY

OF THE

## STATE OF NEVADA.

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FOURTH SESSION, JANUARY 4, 1869.

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### FIRST DAY.

MONDAY, January 4th, 1869.

Pursuant to the provisions of the Constitution and the statute, the Assembly was called to order at 12 noon, by the Hon. C. N. Noteware, Secretary of State.

The roll was called, and the following members elect answered to their names, took the oath of office, administered by Chief Justice Lewis, and subscribed thereto:

Messrs. Adkison, Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Haason, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Tenant, Waller, Welch, Woodworth, and Wright.

Mr. Mayhugh offered the following resolution:

*Resolved*, That the Assembly do now organize by the election of permanent officers in the following order:

*First*—Speaker.

*Second*—Speaker *pro tem*.

*Third*—Chief Clerk.

*Fourth*—Sergeant-at-Arms.

*Fifth*—Assistant Sergeant-at-Arms.

*Sixth*—Assistant Clerk.

*Seventh*—Minute Clerk.

*Eighth*—Engrossing Clerk.

*Ninth*—Journal Clerk.

Adopted.

Nominations for Speaker being in order, Mr. Mayhugh named D. O. Adkison of Storey.

On motion of Mr. Hillyer, the calling of the roll was dispensed with and Mr. Adkison elected by acclamation.

Mr. Mayhugh moved the appointment of a Committee of Two to conduct the Speaker elect to the chair.

Carried.

The Chair appointed Messrs. Mayhugh and Hillyer as such Committee.

The Committee performed its duty, and the Speaker assuming the chair addressed the House with a few appropriate remarks.

Nominations for Speaker *pro tem.* being next in order, Mr. Welch presented the name of J. S. Mayhugh of Esmeralda.

Mr. Lammon moved that the calling of the roll be dispensed with and Mr. Mayhugh declared elected by acclamation.

Carried.

Nominations for Chief Clerk being next in order, Mr. Wright presented the name of Andrew Whitford of Ormsby.

Mr. Corbett moved that the calling of the roll be dispensed with and Mr. Whitford declared elected by acclamation.

Carried.

Nominations for Sergeant-at-Arms were announced as next in order.

Mr. Lammon nominated A. Ash of Storey.

Mr. Tennant nominated N. E. Jacobs of Lander.

Mr. Burlingame nominated A. H. Kirkpatrick of Storey, but subsequently withdrew his name.

On motion of Mr. Corbett, the calling of the roll was dispensed with and Mr. Ash declared elected by acclamation.

Nominations for Assistant Clerk being in order, Mr. Gray presented the name of A. H. Kirkpatrick of Storey.

On motion of Mr. Corbett, the calling of the roll was dispensed with and Mr. Kirkpatrick elected by acclamation.

Nominations for Minute Clerk being next in order, Mr. Barney presented the name of T. S. Davenport of Lyon.

On motion of Mr. King, the calling of the roll was dispensed with and Mr. Davenport elected by acclamation.

Nominations for Engrossing Clerk being next in order, Mr. Mayhugh presented the name of E. F. Mitchell of Esmeralda.

On motion of Mr. Lammon, the calling of the roll was dispensed with and Mr. Mitchell elected by acclamation.

Nominations for Journal Clerk being next in order, Mr. Cleveland presented the name of Adam Parker of Washoe.

On motion of Mr. Moulton, the calling of the roll was dispensed with and Mr. Parker elected by acclamation.

Nominations for Assistant Sergeant-at-Arms being next in order, Mr. Tennant presented the name of N. E. Jacobs of Lander.

On motion of Mr. Doolin, the calling of the roll was dispensed with and Mr. Jacobs elected by acclamation.

Mr. Welch offered the following :

*Resolved*, That the Rev'd Fathers Hammond and Gleeson of Carson City be and they are hereby declared to be the Chaplains of the Assembly, to officiate alternate weeks, and to arrange the time of attendance between themselves.

Mr. Doolin moved the indefinite postponement of the resolution.

Mr. Hillyer offered the following substitute :

*Resolved*, That we proceed to the election of a Chaplain of the Assembly.

Mr. Woodworth moved the indefinite postponement of the substitute.

The yeas and nays were demanded by Messrs. Welch, Mayhugh, and Doolin, and the roll called as follows :

YEAS—Messrs. Anderson, Bowman, Brown, Burson, Clark, Coburn, Dangberg, Doolin, Hanford, Mayhugh, Mills, Randall, Rule, Scott, Shakspeare, Shimmie, Tennant, Waller, Woodworth, and Davis—20.

NAYS—Messrs. Barney, Bunker, Burlingame, Cleveland, Corbett, Ford, Gray, Hanson, Hillyer, King, Lammon, Moody, Moulton, Potter, Richardson, Welch, Wright, and Mr. Speaker—18.

The question was put on the motion to indefinitely postpone the original resolution, and it was carried.

Mr. Tennant offered the following :

*Resolved*, That hereafter during this session no resolution or motion in relation to Chaplain of this House shall be received by this body.

Ruled out of order and withdrawn.

Mr. Mayhugh offered the following :

*Resolved*, That the Chief Clerk of the House be directed by the Speaker to inform the Senate that the Assembly is now duly organized and ready to proceed with the session by the election of the following officers :

<i>Speaker</i> .....	D. O. Adkison
<i>Speaker pro tem</i> .....	J. S. Mayhugh
<i>Chief Clerk</i> .....	A. Whitford
<i>Assistant Clerk</i> .....	A. H. Kirkpatrick
<i>Sergeant-at-Arms</i> .....	A. Ash
<i>Engrossing Clerk</i> .....	E. F. Mitchell
<i>Minute Clerk</i> .....	T. S. Davenport
<i>Journal Clerk</i> .....	Adam Parker
<i>Assistant Sergeant-at-Arms</i> .....	N. E. Jacobs

Temporarily laid on the table.

Mr. Randall came forward, took, and subscribed to the oath of office.

On motion of Mr. Mayhugh, the attachés elect of the Assembly came forward, were sworn in, and subscribed to the oath.

On motion, the resolution of Mr. Mayhugh was taken from the table and adopted.

Mr. Mayhugh introduced the following resolutions :

*Resolved*, That the Speaker appoint a Committee of Three, whose duty it shall be to wait upon his Excellency the Governor, and inform him that the Legisla-

ture is now organized and ready to proceed with the business of the session, and that they will be pleased to receive any communication that he may have to make.

*Resolved*, That the Chief Clerk be directed to inform the Senate of the appointment of such Committee, and request that Hon. body to appoint a like Committee to act in conjunction with said Assembly Committee for the purpose set forth in the foregoing resolution.

Resolutions adopted.

Mr. Speaker appointed as such Committee Messrs. Mayhugh, Tennant, and Hillyer.

Mr. Mayhugh introduced the following resolution :

*Resolved*, That the rules governing the proceedings of the last session of the Assembly be declared the rules of this House until otherwise ordered by the adoption of new rules.

Resolution adopted.

On motion of Mr. Mayhugh, the House adjourned to to-morrow at 11 o'clock A.M.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

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## SECOND DAY.

TUESDAY, January 5th, 1869.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Small.

Journal of yesterday read, corrected, and approved.

Mr. Speaker announced appointments as follows :

<i>Messenger</i> .....	Master Bartlett
<i>Pages</i> .....	Masters Cook and Adams
<i>Porter</i> .....	Mr. Best

Mr. Speaker announced the appointment of the following Committees :

### JUDICIARY.

Hillyer, Chairman.....	Storey
Bowman.....	Nye
Woodworth.....	Humboldt
Gray.....	Storey
Corbett.....	Ormsby
Moody.....	Lander
King.....	Lyon

## WAYS AND MEANS.

Tennant, Chairman.....	Lander
Lammon.....	Storey
Doolin.....	Nye
Moulton.....	Washoe
Small.....	Douglas
Hillyer.....	Storey
Mayhugh.....	Esmeralda

## CORPORATIONS.

Lammon, Chairman.....	Storey
Mayhugh.....	Esmeralda
Wright.....	Ormsby
Cleveland.....	Washoe
Burson.....	Storey

## COUNTIES AND COUNTY BOUNDARIES.

Mayhugh, Chairman.....	Esmeralda
Mills.....	Lander
Richardson.....	Storey
Burson.....	Storey
Bunker.....	Washoe

## MILEAGE.

Moody.....	Lander
Davis.....	Esmeralda
Rule.....	Humboldt

## PUBLIC LANDS.

Hillyer.....	Storey
Tennant.....	Lander
Mayhugh.....	Esmeralda
Woodworth.....	Humboldt
Lammon.....	Storey

Mr. Tennant moved that the Committee on Counties and County Boundaries be increased to seven members, and that Mr. Coburn be one of said Committee.

Carried.

Mr. Speaker, in accordance with the above motion, appointed Messrs. Coburn and King.

## MESSAGE FROM THE GOVERNOR.

The Governor's Annual Message was received, and on motion of Mr. Mayhugh, the further reading was dispensed with and 1,000 copies ordered printed.

## RESOLUTIONS.

By Mr. Moulton:

*Resolved*, That the Sergeant-at-Arms be instructed to procure an American flag and cause the same to be hoisted over this Capitol building during the session hours of this House.

Resolution adopted.

By Mr. Corbett:

*Resolved*, That a Committee of Three be appointed to confer with a like Committee from the Senate on Joint Rules.

Resolution adopted.

By Mr. Mayhugh:

*Resolved*, That the Committee on Judiciary, the Committee on Ways and Means, and the Committee on Corporations, be and they are hereby authorized respectively to employ a clerk.

Resolution adopted.

Mr. Small having duly taken the oath of office before Chief Justice Lewis, appeared and took his seat.

#### NOTICES.

Mr. Mayhugh gave notice that he would, on some future day, ask leave to introduce Concurrent Resolutions authorizing the Governor to submit the question of calling a Constitutional Convention to the people of the State for the purpose of revising and amending the entire Constitution of the State.

Mr. Lammon gave notice that he would, on some future day, [introduce] a bill to reduce and restrict the rates of toll on the Geiger Grade Toll Road in Storey County.

Mr. Mayhugh gave notice that he would, on some future day, ask leave to introduce a bill entitled "An Act to amend an Act to provide for the payment of the indebtedness of Esmeralda County."

Mr. Mayhugh gave notice that he would, on some future day, ask leave to introduce a bill entitled "An Act to transfer a portion of the Indigent Sick Fund of Esmeralda County to the Redemption and Salary Funds of said County."

Mr. Mayhugh gave notice that he would, on some future day, ask leave to introduce a bill entitled "An Act to create a Legislative Fund."

On motion of Mr. Mayhugh, at 25 minutes to 12 A.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

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#### THIRD DAY.

WEDNESDAY, January 6th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Journal of yesterday read and approved.

On motion of Mr. Bowman, the rules were suspended, and Mr. Doolin added to the Committee on Counties and County Boundaries.

## RESOLUTIONS.

By Mr. Hillyer :

*Resolved*, That one additional page and one paper-folder be appointed by the Speaker, the expense of such appointees to be paid from the Contingent Fund of the Assembly.

Resolution adopted.

By Mr. Wright :

*Resolved*, That the Speaker be and is hereby authorized to call upon the Rev. Hammond to open each morning's session of the Assembly with prayer.

Resolution laid on the table.

By Mr. Corbett :

*Resolved*, That the Secretary of State be and is hereby requested to forward with all possible dispatch to the Assembly the unfinished business of last session.

Resolution adopted.

By Mr. Mayhugh :

*Resolved*, That the Controller of the State be and he is hereby authorized and directed to draw his warrant in favor of each member of the Assembly for the sum of sixty dollars, for the newspapers, postage, and express charges, for the present session, as provided by the Constitution of the [State of Nevada], Article IV and Section 33, the same to be payable out of the Contingent Fund of the Assembly.

Resolution adopted.

By Mr. Mayhugh :

WHEREAS, An Act of Congress, entitled "An Act to regulate the time and manner of holding Elections for United States Senator in Congress, approved July 25th, A.D. 1866;" and,

*Whereas*, Said Act declares that each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress; therefore, be it

*Resolved*, That the Assembly do proceed to vote for a United States Senator in accordance with the provisions of said Act, on Tuesday, the 12th day of January, A.D. 1869, at 12 o'clock, meridian of said day, to represent this State in the United States Senate.

Resolution adopted.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER, January 4th, 1869.

*To the Hon. the Assembly :*

I am instructed to inform your honorable body that the Senate is fully organized by the choice of the following officers :

<i>President pro tem</i> .....	T. D. Edwards
<i>Secretary</i> .....	John Wasson
<i>Sergeant-at-Arms</i> .....	L. D. Noyes
<i>Engrossing Clerk</i> .....	J. R. Megarrigle
<i>Chaplain</i> .....	Rev. Mr. Allen

And the Senate is now ready to receive communications from His Excellency the Governor, and prepared to proceed with the Legislative business of the Session.

Respectfully,

JOHN WASSON,  
Secretary.

SENATE CHAMBER, January 5th, 1869.

*To the Hon. the Assembly :*

I herewith transmit to your honorable body Senate Concurrent Resolution No. 1, concerning the printing of 1,000 copies of the Governor's Message, the same having passed the Senate this day.

YEAS—19.

NAYS—0.

Respectfully,

JOHN WASSON,  
Secretary.

#### NOTICES.

Mr. Burlingame gave notice that he would, at an early day, introduce a bill for "An Act to amend Section 1 of an Act, entitled 'An Act to revise an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice in the Territory of Nevada," approved November 29th, 1861; approved March 6th, 1865." And amend Section 243 of an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of the Territory of Nevada," approved November 29th, 1861; approved March 3d, 1866.

Also, a bill for "An Act to amend the Civil Practice Act."

Mr. Davis gave notice that he would, on some future day, ask leave to introduce Concurrent Resolutions in relation to the establishment of a semi-weekly mail service from Belmont, in Nye County, Nevada, *via* San Antonio, Silver Peak, Palmetto, Fish Lake, and Hot Springs, to Aurora, in Esmeralda County, Nevada, and the establishment of three post offices on said route.

Mr. Welch gave notice that he would, at some future day, introduce a bill to amend an Act entitled "An Act to regulate Fees and Compensation for Official and other Services in the State of Nevada," approved March 9th, 1865.

Mr. Scott gave notice that he would, at an early day, introduce a bill entitled "An Act to create a Board of Commissioners to examine and report upon the amount of just claims existing for property destroyed and for losses sustained by Indian depredations in Humboldt County, in this State, in the years 1867 and 1868."

Mr. Bowman gave notice that he would, at some future day, introduce a bill defining the Boundary Lines between the County of Nye and the Counties of Esmeralda and Churchill.

Also, gave notice that he would, at some future day, introduce a bill providing for the Registration of Electors.

Mr. Tennant gave notice that he would, at some future day, introduce a bill for an Act entitled "An Act to create the County of White Pine, and provide for its Organization."



Mr. Anderson gave notice that he would, at some future day, ask leave to introduce a bill entitled "An Act to amend 'An Act concerning Official Bonds.'"

Mr. Mayhugh introduced, pursuant to notice, Assembly Bill No. 1, entitled "An Act to create Legislative Funds."

Read first time; rules suspended; read second time by title, and referred to Committee on Ways and Means.

Mr. Mayhugh introduced Assembly Concurrent Resolutions No. 1.

Read first time; rules suspended; read second time by title, and referred to Committee on Federal Relations.

Senate Concurrent Resolutions No. 1, concerning the printing of 1,000 copies of the Governor's Message.

Read and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—37.

NAYS—Messrs. Cleveland and Waller—2.

On motion of Mr. Mayhugh, the Governor's Message was referred to the appropriate Committees.

On motion of Mr. Mayhugh, at 25 minutes to 12 o'clock, the House adjourned.  
Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

#### FOURTH DAY.

THURSDAY, January 7th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. Barney.

Journal of yesterday read and approved.

Mr. Mayhugh presented a petition from citizens of Esmeralda County.  
Referred to Committee on Agriculture.

#### REPORT OF COMMITTEE ON MILEAGE.

*Mr. Speaker:*

Your Standing Committee on Mileage have had the same under consideration and beg leave to submit the following, with accompanying table, showing the dis-

tances traveled by the several members of the Assembly from their respective places of residence, in coming to and returning from the Capital of the State, together with the amounts due each member, in accordance with the provisions of the Seventeenth Article, third section, and ninth clause of the Constitution, which provides for the payment of mileage of the members of the Legislature.

	No. Miles.	Amount.
STOREY COUNTY.		
D. O. Adkison.....	32	\$12 80
J. M. Anderson.....	32	12 80
W. Brown.....	32	12 80
I. S. Burson.....	32	12 80
J. A. Burlingame.....	32	12 80
W. D. Gray.....	32	12 80
J. M. Hanford.....	32	12 80
C. J. Hillyer.....	32	12 80
G. I. Lammon.....	32	12 80
A. K. Potter.....	32	12 80
J. L. Richardson.....	32	12 80
John Welch.....	32	12 80
WASHOE COUNTY.		
N. E. Bunker.....	40	16 00
A. C. Cleveland.....	72	28 80
S. A. Moulton.....	40	16 00
LYON COUNTY.		
J. K. Barney.....	24	9 60
J. S. Ford.....	24	9 60
C. D. King.....	24	9 60
CHURCHILL COUNTY.		
E. Clark.....	220	88 00
A. B. Waller.....	230	92 00
NYE COUNTY.		
John Bowman.....	952	380 80
William Doolin.....	872	348 80
HUMBOLDT COUNTY.		
T. W. Rule.....	412	164 80
R. H. Scott.....	472	188 80
J. M. Woodworth.....	392	156 80
ESMERALDA COUNTY.		
S. J. Davis.....	500	200 00
J. S. Mayhugh.....	220	88 00
C. P. Shakspeare.....	220	88 00
E. R. Shimmin.....	160	64 00

	No. Miles.	Amount.
LANDER COUNTY.		
Geo. D. Coburn .....	762	304 80
Geo. F. Mills .....	1018	497 20
T. J. Tennant .....	1018	407 20
Robt. J. Moody .....	1018	407 20
LINCOLN COUNTY.		
F. W. Randall .....	1282	512 80
DOUGLAS COUNTY.		
J. W. Small .....	52	20 80
F. Dangberg .....	30	12 00

All of which is respectfully submitted.

ROBT. J. MOODY,  
Chairman.

#### RESOLUTIONS.

By Mr. Tennant :

WHEREAS, It is well understood that this House will have under consideration many propositions concerning the growing and important railroad interests in this State; therefore,

*Resolved*, That there be and is hereby created a Committee, to [be] composed of five members of this House, which shall be known and designated as the Standing Committee on Railroads; said Committee to be appointed by the Speaker.

Adopted.

By Mr. King :

*Resolved*, That the Sergeant-at-Arms be and is hereby authorized to get printed for the use of the members of the Assembly one hundred and fifty copies of the Joint Rules of the House.

Mr. Mayhugh moved to amend, that the Committee on Printing order the printing.

Resolution, as amended, adopted.

By Mr. Cleveland :

*Resolved*, That William M. Gillespie be and he is hereby declared the Official Reporter of the proceedings of this House.

Mr. Mayhugh moved that a Select Committee of Three be appointed to inquire into the expediency of electing an Official Reporter.

Carried.

By Mr. Hillyer :

*Resolved*, That a Committee of Three be appointed by the Speaker to visit the resident clergy of Carson City, and invite them to open the sessions of the Assembly with prayer, arranging the order of officiating among themselves.

Mr. Bowman moved to indefinitely postpone the resolution.

Mr. Tennant raised the point of order, that the whole subject matter had been indefinitely postponed.

Mr. Speaker declared the point not well taken.

Upon which the yeas and nays were called for on the indefinite postponement by Messrs. Hillyer, Mayhugh, and Welch, and motion lost by the following vote :

YEAS—Messrs. Anderson, Bowman, Burson, Clark, Cleveland, Coburn, Doolin, Lammon, Mills, Moulton, Randall, Rule, Scott, Tennant, Waller, and Woodworth—16.

NAYS—Messrs. Brown, Bunker, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Moody, Potter, Richardson, Shakspeare, Shimmin, Small, Welch, Wright, and Mr. Speaker—22.

Mr. Hillyer moved the adoption of the resolution.

The yeas and nays were called for by Messrs. Woodworth, Cleveland, and Mills, and the resolution adopted by the following vote :

YEAS—Messrs. Brown, Bunker, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Moody, Potter, Richardson, Shakspeare, Shimmin, Small, Welch, Wright, and Mr. Speaker—22.

NAYS—Messrs. Anderson, Bowman, Burson, Clark, Cleveland, Coburn, Doolin, Lammon, Mills, Moulton, Randall, Rule, Scott, Tennant, Waller, and Woodworth—16.

By Mr. Gray :

*Resolved*, That a Committee of Three be appointed by the Speaker on Rules for the government of the House, and that said Committee be requested to report at their earliest convenience.

Adopted.

Mr. Speaker announced as Committee on Chaplain, Messrs. Hillyer and Mayhugh.

Committee on Rules, Messrs. Gray, Tennant, and Lammon.

On motion of Mr. King, Mr. Barney was granted leave of absence for one day.

By Mr. Hillyer :

*Resolved*, That the Sergeant-at-Arms be authorized to furnish to the Judiciary and Ways and Means Committees a suitable room for the transaction of Committee business.

Adopted

#### NOTICES.

Mr. Tennant gave notice that he would, at some future day, introduce a bill entitled "An Act to repeal all Acts, or parts of Acts, so far as they conflict with an Act of Congress entitled 'An Act to protect all Persons in the United States in their Civil Rights, and furnish the means of their vindication,' passed April 9th, 1866."

Mr. Brown gave notice that he would, at some future day, introduce a bill to "Amend an Act entitled 'An Act to incorporate the Town of Gold Hill,' approved March 7th, 1865."

Mr. Welch gave notice that he would, at some future day, introduce a bill to "Amend an Act entitled 'An Act to provide for properly taking Care of the Indigent Insane of the State of Nevada, and to create Funds for that purpose,' approved February 23d, 1867."

Mr. Moulton gave notice that he would, at some future day, ask leave to introduce a bill to repeal an Act entitled "An Act in relation to Public Highways."

Mr. Woodworth gave notice that he would, on some future day, ask leave to introduce a bill entitled "An Act for the Relief of C. S. Varian."

Also, a bill entitled "An Act concerning Sheriffs."

Also, a bill entitled "An Act to amend an Act entitled 'An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled "An Act concerning Conveyances," approved November 5th, 1861,' approved March 11th, 1867."

Mr. Hillyer gave notice that he would, on some future day, introduce an amendment to the Constitution of this State, extending the right of suffrage to all citizens of the United States, male and female, possessing the proper qualifications as to residence.

Mr. Doolin gave notice that he would, at some future day, ask leave to introduce a bill entitled "An Act to repeal an Act entitled 'An Act to prohibit the Carrying of Concealed Weapons,' approved February 27th, A.D. 1867."

Mr. Mayhugh gave notice that he would, at some future day, ask leave to introduce an Act entitled "An Act to protect Agriculture, and to prevent the Trespassing of Animals upon Private Property."

Mr. Bowman, pursuant to notice, introduced Assembly Bill No. 2, entitled "An Act to establish the Boundary Line between the County of Nye and Counties of Churchill and Esmeralda."

Read first time; rules suspended; read second time by title, and referred to Committee on Counties and County Boundaries.

Mr. Cleveland introduced by leave, without previous notice, Assembly Bill No. 3, entitled "An Act to redistrict the State of Nevada into Judicial Districts, and to fix the Salaries of Judges and the Terms of Court therein."

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee, and the usual number of copies ordered printed.

Mr. Davis introduced Assembly Concurrent Resolutions No. 2, relating to mail service from Belmont to Aurora, Nevada.

Read first time; rules suspended; read second time by title, and referred to Committee on Federal Relations.

Mr. Mayhugh, pursuant to notice, introduced Assembly Bill No. 4, entitled "An Act to provide for the Indebtedness of Esmeralda County."

Read first time; rules suspended; read second time by title, and referred to Esmeralda delegation.

Mr. Speaker announced the following Committees:

## CLAIMS.

Wright.....	Ormsby
Welch .....	Storey
Potter.....	Storey
Scott.....	Humboldt
Shakspere.....	Esmeralda

## STATE LIBRARY.

Corbett.....	Ormsby
Potter.....	Storey
Burlingame .....	Storey

## FEDERAL RELATIONS.

Welch.....	Storey
Bunker.....	Washoe
Ford.....	Lyon
Waller .....	Churchill
Shimmin.....	Esmeralda

## STATE INSTITUTIONS.

Moulton .....	Washoe
Lammon.....	Storey
Small.....	Douglas
Burlingame.....	Storey
Barney.....	Lyon

## SPECIAL COMMITTEE ON JOINT RULES.

Corbett .....	Ormsby
Lammon.....	Storey
Mayhugh.....	Esmeralda

## MINES AND MINING INTERESTS.

Rule.....	Humboldt
Shakspere.....	Esmeralda
Gray.....	Storey
Randall .....	Lincoln
Doolin .....	Nye

The Clerk announced the appointment of M. Y. Stewart and Will. N. Rabbits as Copying Clerks of the Assembly.

Mr. Speaker announced the appointment of Robert Morgan, as Paper-folder, and Master Cutler, Page.

Also, Messrs. Cleveland, King, and Corbett, as Committee on Official Reporter.

Mr. Mayhugh moved that the Committee on Mines and Mining Interests be increased to seven members.

Carried.

On motion, Mr. Brown, of Storey, and Mr. Moody, of Lander, were added to the Committee.

Mr. Hillyer moved that when the House adjourn it adjourn to meet on Monday.

Carried.

On motion of Mr. Mayhugh, the Sergeant-at-Arms was directed to procure wrapping paper for the paper-folder.

On motion of Mr. Wright, at 12 o'clock 10 minutes P.M. the House adjourned.  
Approved.

D. O. ADKISON,  
Speaker.

Attest—A. WHITEFORD,  
Clerk.

## EIGHTH DAY.

MONDAY, January 11th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Gray and Welch.

Mr. Burson asked leave of absence for Mr. Welch for one day.  
Leave granted.

Mr. Lammon asked leave of absence for Mr. Gray for one day.  
Leave granted.

Journal of Thursday, January 7th, read and approved.

The Select Committee on Official Reports were granted further time to report.

## RESOLUTIONS.

By Mr. Scott;

*Resolved*, That the Speaker of the House is hereby authorized and directed to appoint a Committee to consist of five on Swamp and Overflowed Lands.

Adopted.

By Mr. Anderson:

*Resolved*, That the Sergeant-at-Arms be and is hereby instructed to place on the desk of each member of the House two copies of each and every bill that may have been ordered printed by the House as soon as such bills come into his hands, and that he be instructed to leave three copies of the same in the office of the Secretary of State.

Adopted.

By Mr. Mayhugh:

*Resolved*, That the Sergeant-at-Arms be directed to purchase a new clock for the use of the Assembly.

Adopted.

By Mr. Mayhugh:

*Resolved*, That the Sergeant-at-Arms be authorized to purchase one dozen chairs for the accommodation of lady visitors, Senators, State officers, and such other persons as may be invited within the bar of the House.

Adopted.

#### NOTICES.

Mr. Tennant gave notice that he would on an early day introduce a series of joint resolutions in relation to David E. Buel, Commissioner from the State of Nevada to the Paris Exposition.

Mr. Burlingame gave notice that he would on some future day introduce a bill entitled "An Act providing for a Digest of the Laws of the State of Nevada."

Mr. Moulton gave notice that he would on some future day introduce a bill entitled "An Act to amend 'An Act to Create a Board of County Commissioners in the several Counties of this State and to define their Duties and Powers,' approved March 8th, 1865."

Also, gave notice that he would on some future day ask leave to introduce a bill entitled "An Act to Protect the Rights of Stockholders in Mines and Mining Claims."

Mr. Moody gave notice that he would on some future day introduce a bill to repeal an Act entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865," as amended by an Act entitled "An Act to provide Revenue for the Support of the Government of the State of Nevada," approved March 9th, 1865; approved February 24th, 1866.

Mr. Lammon gave notice that he would on some future day ask leave to introduce a bill entitled "An Act prescribing Rules and Regulations for the Execution of the Trust arising under the Act of Congress entitled 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands.'"

Mr. King gave notice that he would on some future day introduce a bill entitled "An Act for the purpose of placing the Finances of Lyon County upon a permanent Cash Basis, and to provide for the payment of the Outstanding Indebtedness of the said County."

Mr. Shakspeare gave notice that he would on some future day ask leave to introduce a bill amendatory of an Act entitled "An Act to provide Revenue for the Support of the Government of the State of Nevada," approved April 2d, 1867.

Mr. Burson gave notice that on some future day he would ask leave to introduce a bill entitled "An Act supplemental to an Act entitled 'An Act granting to certain persons the right to construct a Railroad from the Western to the Eastern Boundary of the State of Nevada.'"

Mr. Mayhugh gave notice that he would on some future day ask leave to introduce a bill entitled "An Act to provide for the better observance of the Sabbath Day."



Also, gave notice that he would on some future day ask leave to introduce a bill entitled "An Act to repeal 'An Act creating the office of Coroner in the County of Storey and Defining his Duties.'"

Also, gave notice that he would on some future day ask leave to introduce a bill entitled "An Act to provide Revenue for the Support of the Government by the imposition of a Tax upon all Dogs within this State, and also by the imposition of a Special Tax upon a certain class of persons for Revenue Purposes, the proceeds of which shall be set apart in a separate fund to be known as the Legislative Fund."

Mr. Shakspeare gave notice that he would on some future day introduce a memorial and joint resolution relative to the claims of the State of Nevada against the General Government.

Mr. Burlingame, pursuant to notice, introduced Assembly Bill No. 5, entitled "An Act to amend Section 7, Chapter 89, of the Laws of 1866."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Woodworth, pursuant to notice, introduced Assembly Bill No. 6, entitled "An Act to amend an Act entitled 'An Act to amend an Act of the Legislative Assembly of the Territory of Nevada,' approved November 5th, 1861, entitled "An Act concerning Conveyances, approved March 11th, 1867.'"

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

Mr. Woodworth, pursuant to notice, introduced Assembly Bill No. 7, entitled "An Act for the Relief of C. S. Varian."

Read first time; rules suspended; read second time by title, and referred to the Humboldt delegation.

Mr. Mayhugh, pursuant to notice, introduced Assembly Bill No. 8, entitled "An Act to Protect Agriculture and to prevent Trespassing upon Private Property."

Read first time; rules suspended; read second time by title, ordered printed, and referred to Committee on Agriculture.

Mr. Moulton, pursuant to notice, introduced Assembly Bill No. 9, entitled "An Act to repeal 'An Act in relation to Public Highways.'"

Read first time; rules suspended; read second time by title, and referred to Committee on Corporations.

Mr. Scott, pursuant to notice, introduced Assembly Bill No. 10, entitled "An Act to create a Board of Commissioners to examine and report upon the amount of just Claims existing for Losses sustained by Indian Depredations in Humboldt County in this State, in the years 1867 and 1868."

Read first time; rules suspended; read second time by title, and referred to Committee on Military and Indian Affairs.

## COMMUNICATION FROM SECRETARY OF STATE.

CARSON CITY, January 9th, 1869.

*To the Assembly of Nevada:*

GENTLEMEN:—I have the honor to transmit herewith Assembly Bill (no number) entitled "An Act to create certain Funds," approved March 28th, 1867, together with the objections of the Governor thereto, filed in my office April 9th, 1867, which bill was passed at the last session, and which the Governor was prevented in returning by the final adjournment of the Legislature.

Very respectfully,

C. N. NOTEWARE,  
Secretary of State.

On motion, the reading of the veto message of the Governor accompanying the above bill was dispensed with and bill and message laid on the table.

On motion of Mr. Corbett, Senate Messages were taken up.

## MESSAGES FROM THE SENATE.

CARSON CITY, January 11th, 1869.

*To the Hon. the Assembly:*

I have the honor to herewith transmit Senate Concurrent Resolution No. 9, adopted by the Senate this day, relating to printing rules.

Senate Concurrent Resolution No. 9.

Read and laid on the table temporarily.

Also, that Messrs. Monroe, Gray, and Brown have been appointed a Standing Committee on Rules and Joint Rules in the Senate.

Respectfully,

JOHN WASSON,  
Secretary of Senate.

Mr. Speaker announced the appointment of the following Committees:

## ENGROSSMENT.

Lammon.....	Storey
Barney .....	Lyon
Woodworth.....	Humboldt

## ENROLLMENT.

Burson.....	Storey
Randall.....	Lincoln
Wright .....	Ormsby

## PUBLIC MORALS.

Gray.....	Storey
Davis.....	Esmeralda
Dangberg.....	Douglas

## TRADE AND MANUFACTURES.

Anderson.....	Storey
Coburn.....	Lander
Bunker.....	Washoe
Shakspere.....	Esmeralda
Ford.....	Lyon

## ELECTIONS.

King.....	Lyon
Cleveland.....	Washoe
Hanford.....	Storey
Mills.....	Lander
Scott.....	Humboldt

## INTERNAL IMPROVEMENTS.

Cleveland.....	Washoe
Brown.....	Storey
Hanson.....	Ormsby
Barney.....	Lyon
Moody.....	Lander

## EDUCATION.

Bowman.....	Nye
Brown.....	Storey
Davis.....	Esmeralda
Burlingame.....	Storey
Rule.....	Humboldt

## AGRICULTURE.

Scott.....	Humboldt
Barney.....	Lyon
Dangberg.....	Douglas
Shimmin.....	Esmeralda
Hanson.....	Ormsby

## CONTINGENT EXPENSE.

Potter.....	Storey
Cleveland.....	Washoe
Richardson.....	Storey
Clark.....	Churchill
Ford.....	Lyon

## MILITARY AND INDIAN AFFAIRS.

Burlingame.....	Storey
Tennant.....	Lander
Potter.....	Storey
Waller.....	Churchill
Shimmin.....	Esmeralda

## PRINTING.

Small.....	Douglas
Lammon .....	Storey
Coburn.....	Lander

## RAILROADS.

Woodworth.....	Humboldt
Moulton.....	Washoe
Hanford.....	Storey
Moody .....	Lander
Hanson .....	Ormsby

Mr. Mayhugh, on leave, introduced the following resolution :

*Resolved*, That the Standing Committees on Counties and County Boundaries, and Railroads, be each allowed a clerk ; the Committees on Mines and Mining, and Public Lands, one clerk jointly, and the Committees on Education, and Elections, one clerk jointly.

Adopted.

On motion of Mr. Hillyer, at 12 o'clock M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## NINTH DAY.

TUESDAY, January 12th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Hammond.

Journal of yesterday read and approved.

## REPORTS OF SPECIAL COMMITTEES.

*Mr. Speaker :*

The undersigned, comprising the Humboldt County delegation, to which was referred Assembly Bill No. 7, entitled "An Act for the relief of C. S. Varian," respectfully report that they have had the same under consideration, have come to a favorable conclusion thereon, and report the same back to the House without amendment, and recommend its passage.

J. M. WOODWORTH,  
R. H. SCOTT,  
T. W. RULE.

*Mr. Speaker :*

Your Committee, appointed to confer with a like Committee from the Senate on Joint Rules, beg leave to report that we unanimously recommend the adoption of the Joint Rules of last session for the government of the two Houses.

Respectfully submitted,

WM. H. CORBETT, Chairman.

WM. G. MONROE, Chairman.

*Mr. Speaker :*

Your Special Committee, appointed to report rules for governing the House for this present session, would most respectfully recommend the adoption of the rules of the last session.

W. D. GRAY, Chairman.

*Mr. Speaker :*

Your Committee, to whom was referred the subject of the expediency of having or electing an Official Reporter for the Assembly for the present Legislature, beg leave to most respectfully report as follows: Section 28 of Article II of the Constitution of the State of Nevada reads as follows: "No money shall be drawn from the State Treasury as salary or compensation to any officer or employé of the Legislature, or either branch thereof, except in cases where such salary or compensation has been fixed by a law in force prior to the election or appointment of such officer or employé, and the salary or compensation so fixed shall neither be increased or diminished so as to apply to any officer or employé of the Legislature, or either branch thereof, at such session; *provided*, that this restriction shall not apply to the first session of the Legislature." If this is not sufficiently plain to restrict this Legislature from making such appropriation of money as would be made in this instance, it is surely made sufficiently plain in the proviso. We find no law on the statute books of former sessions which permits or provides for the election, appointment, or employment of an Official Reporter for this Assembly, nor for the payment for such services as may be rendered by such officer or employé. Such being the case, [we] cannot see how we can elect, appoint, or employ such officer (however much his services may be required) without first making a law creating the office, fixing the salary, and then electing to the office, which latter shall be done after the law is made and not before.

In Section 33, Article II, of the Constitution, we find the following: "The members of the Legislature shall receive for their services a compensation to be fixed by law and paid out of the public Treasury, but no increase of such compensation shall take effect during the term for which the members of either House shall have been elected." The first section quoted is equally as binding as this. Suppose this body should increase the compensation of its members per day to one or more dollars, and enforce its collection, would it not be a flagrant violation of our Constitution? Yet not any more so, in our judgment, than the election, appointment or employment of an Official Reporter, and payment for services would be, if such action was taken by this body as the matter now stands, without any prior law to that effect, as plainly stated and contemplated by the Constitution of our State.

Again, Section 19 of the same Article provides that "no money shall be drawn from the Treasury but in consequence of an appropriation made by law." If we pass an Act to draw money for our Contingent Fund it is an appropriation. If we pay our Official Reporter (and we certainly should if we have one) we pay him money drawn from the public Treasury for that purpose by a law enacted and not by resolution; and such law must be made prior to, not after, his election, as clearly proved by the sections referred to.

We therefore submit that we cannot elect, employ, or have the services of an Official Reporter, until we first pass a law providing for one, and fixing his compensation or salary as constitutionally required in plain terms.

Very respectfully submitted,

A. C. CLEVELAND, Chairman.

C. D. KING,

WM. H. CORBETT.

On motion of Mr. Tennant, the report on Official Reporter was made the special order for next Thursday at 12 m.

#### RESOLUTIONS.

Mr. Hillyer introduced Assembly Concurrent Resolution No. 5.

Adopted.

By Mr. Mayhugh:

*Resolved*, That in voting for United States Senator each member shall rise in his place as his name is called by the Clerk and pronounce the name of the person he desires to vote for as Senator to represent this State in the United States Senate.

By Mr. Rule:

WHEREAS, The Standing Committees on Mines and Mining Interests, and on Public Lands, having investigated as far as practicable the business which will be brought before them during the session; *and whereas*, said Committees were by resolution joined for clerical purposes before such investigation; therefore be it

*Resolved*, That the resolution joining the Committee on Mines and Mining Interests with the Committee on Public Lands for clerical purposes be and the same is hereby rescinded, and that the Committee on Public Lands and that on Swamp and Overflowed Lands be joined for clerical purposes.

Adopted.

Mr. Speaker announced as Committee on Swamp and Overflowed Lands:

Scott .....	Humboldt
Dangberg .....	Douglas
Shimmin .....	Esmeralda
Cleveland .....	Washoe
Doolin .....	Nye

#### NOTICES.

Mr. Tennant gave notice that he would, on some future day, introduce Concurrent Resolutions granting leave of absence to James M. Dawley, Sheriff of Lander County.

Mr. Welch gave notice that he would, on some future day, ask leave to introduce a bill to regulate the hours of labor in this State.

Mr. Anderson gave notice that he would, on some future day, ask leave to introduce a bill entitled "An Act to prohibit Gaming."

Mr. Welch, pursuant to previous notice, introduced Assembly Bill No. 11, entitled "An Act to amend an Act entitled 'An Act to regulate Fees and Compensation for Official and other services in the State of Nevada,' approved March 9th, 1868." [1865.]

Read first time; rules suspended; read second time by title, and referred to the Storey County delegation.

Mr. Mayhugh, pursuant to notice, introduced Assembly Bill No. 12, entitled "An Act to transfer certain moneys in the Indigent Sick Fund of Esmeralda County to the Redemption and Salary Funds of said County."

Read first time; rules suspended; read second time by title, and referred to the Esmeralda County delegation.

Mr. Moulton, pursuant to notice, introduced Assembly Bill No. 13, entitled "An Act to amend an Act entitled 'An Act to create a Board of County Commissioners in the several Counties of this State, and to define their duties and powers,' approved March 8th, 1865."

Read first time; rules suspended; read second time by title, referred to Judiciary Committee, and the usual number of copies ordered printed.

Mr. Doolin, pursuant to notice, introduced Assembly Bill No. 14, entitled "An Act to repeal an Act entitled 'An Act to prohibit carrying Concealed Weapons,' approved February 27th, 1867."

Read first time; rules suspended; read second time by title, and referred to Committee on Public Morals.

Mr. Shakspeare, pursuant to notice, introduced Assembly Bill No. 15, entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865," as amended by an Act entitled an Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of the State of Nevada, approved March 9th, 1865, approved February 24th, 1865," as further amended by an Act entitled "An Act to amend an Act to provide Revenue for the Support of the Government of the State of Nevada, approved April 2d, 1867."

Read first time; rules suspended; read second time by title, and referred to Committee on Mines and Mining Interests.

#### THIRD READING OF BILLS.

Assembly Bill No. 7, entitled "An Act for the relief of C. S. Varian."  
Report of Committee adopted, and bill ordered engrossed.

On motion of Mr. Hillyer, Senate Joint Resolution No. 9, in regard to printing Joint Rules, was taken from the table and passed.

Mr. Gray, by leave, introduced Assembly Bill No. 16, entitled "An Act to re-district the State of Nevada into Judicial Districts, and to fix the Salaries of Judges and the terms of Court therein."

Read first time.

#### SPECIAL ORDER

For 12 [o'clock] M. being the election of United States Senator, Mr. Mayhugh nominated Hon. Wm. M. Stewart.

Mr. Randall nominated Gen. Thos. H. Williams.

Mr. Cleveland nominated Mr. B. C. Whitman.

The nominations were declared closed and the roll was called, with the following result:

For Hon. Wm. M. Stewart—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Moody, Moulton, Potter, Richardson, Rule, Scott, Shakspeare, Shimmin, Sniall, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—34.

For Gen. Thos. H. Williams—Messrs. Clark, Mills, Randall, and Waller—4.

For Mr. B. C. Whitman—Mr. Cleveland—1.

Mr. Speaker announced the result, and the Clerk was ordered to record upon the Journals the same, as required by the Act of Congress.

On motion of Mr. Hillyer, Assembly Bill No. 16, entitled "An Act to redistrict the State of Nevada," was taken up.

Rules suspended; read second time by title, and referred to Judiciary Committee.

Mr. Gray, by leave, introduced Assembly Bill No. 17, entitled "An Act concerning the Election of District Judges."

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

Mr. Anderson, by leave, introduced the following resolution:

*Resolved*, That the report of the Committee on Standing Rules, recommending the adoption of the rules of the last Legislature, be and is hereby adopted for the government of this body during its session.

Adopted.

On motion of Mr. Mayhugh, at 12:18 the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—

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## TENTH DAY.

WEDNESDAY, January 13th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Bowman and Potter.

Mr. Welch asked leave of absence for Mr. Potter for one day.

Leave granted.



Prayer by the Rev. Mr. Hammond.  
Journal of yesterday read and approved.

Mr. Doolin asked leave of absence for Mr. Bowman for one day.  
Leave granted.

#### PETITIONS.

Mr. Hillyer presented a petition from the citizens of Storey County, in relation to the Virginia and Truckee Railroad.

Read and placed on file.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Select Committee, composed of the Esmeralda delegation, to whom was referred Assembly Bill No. 12, entitled "An Act to transfer certain Moneys from the Indigent Sick Fund of Esmeralda County to the Redemption and Salary Funds of said county," beg leave [to report] that they have had the same under consideration, and have directed their Chairman to report the same back to the Assembly without amendment, and recommend that said bill do pass.

All of which is respectfully submitted.

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker:*

Your Standing Committee on Corporations, to whom was referred Assembly Bill No. 9, entitled "An Act to repeal 'An Act in relation to Public Highways,'" beg leave to report that they have fully considered the same, and have directed their Chairman to report the bill back, and recommend its passage.

GEO. I. LAMMON,  
Chairman.

Mr. Shakspeare introduced Assembly Joint Resolutions No. 6, in relation to claims of the State of Nevada against the Government of the United States.

Read first time; rules suspended; read second time by title, and referred to Committee on Federal Relations.

By Mr. Mayhugh:

*Resolved*, That the Sergeant-at-Arms be directed to rent rooms for the use of the Engrossing and Copying Clerks of the Assembly.

Adopted.

#### NOTICES.

Mr. Tennant gave notice that he would, on some future day, introduce a bill to place the Financial Affairs of the State of Nevada on a Gold Coin basis.

Also, gives notice that at some future day, he will introduce a bill entitled "An Act to establish and maintain a Line of Railway, commencing at the Town of Elko, on the Central Pacific Railroad, and run in a south or southeasterly direction for the distance of one hundred miles or more, to a point at or near the Town of Hamilton, White Pine Mining District, Lander County, Nevada.

Mr. Hillyer gave notice that he would, on some future day, introduce a bill for "An Act to authorize the County of Storey to issue its Bonds to the Amount of Three Hundred Thousand Dollars to the Virginia and Truckee Railroad Company, and to provide for the payment thereof."

Also, gave notice that he would, on some future day, introduce a bill for "An Act to repeal an Act entitled 'An Act to encourage the Construction of a Telegraph Line to Unionville and Star City,' approved February 9th, 1864."

Mr. King, pursuant to notice, introduced Assembly Bill No. 18, entitled "An Act for the purpose of placing the Finances of Lyon County upon a permanent cash basis, and to provide for the Payment of the Outstanding Indebtedness of the said County."

Read first time; rules suspended; read second time by title; ordered printed, and referred to the Lyon delegation.

Mr. Moulton, pursuant to notice, introduced Assembly Bill No. 19, entitled "An Act to protect the Rights of Stockholders in Mines and Mining Claims."

Read first time; rules suspended; read second time by title; ordered printed, and referred to the Committee on Corporations.

Mr. Lammon, pursuant to notice, introduced Assembly Bill No. 20, entitled "An Act prescribing Rules and Regulations for the Execution of the Trust arising under the Act of Congress, 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands,' approved March 7th, 1867."

Read first time; rules suspended; read second time by title, and referred to the Committee on Public Lands.

Mr. Anderson, pursuant to notice, introduced Assembly Bill No. 21, entitled "An Act amendatory of 'An Act concerning Official Bonds.'"

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Hillyer, pursuant to notice, introduced Assembly Bill No. 22, entitled "An Act to authorize the Commissioners of Storey County to issue to the Virginia and Truckee Railroad Company bonds to the Amount of Three Hundred Thousand Dollars."

Read first time; rules suspended; read second time by title, and referred to Storey County delegation.

Motion to print lost.

Mr. Hillyer, by leave, introduced Assembly Bill No. 23, entitled "An Act to repeal an Act entitled 'An Act to encourage the Construction of a Telegraph Line to Unionville and Star City,' approved February 9th, 1864."

Read first time; rules suspended; read second time by title, and referred to the Committee on Corporations.

Mr. Burlingame, by leave, introduced Assembly Bill No. 24, entitled "An Act supplementary to an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of the Territory of Nevada,' approved November 29th, 1861."

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

On motion of Mr. Woodworth, at 7 minutes to 12 m., the House took a recess for 7 minutes.

House called to order at 12 m.  
Senate Message taken up.

MESSAGE FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 13th, 1869. }

*To the Hon. the Assembly :*

I have the honor to herewith return to your honorable body Assembly Joint Resolution No. 45, the same having passed the Senate this day, unanimously.

Respectfully,

CHAS. F. BICKNELL,

Assistant Sec'y of the Senate.

On motion, Mr. Lammon and Mr. Moody were appointed a Committee to wait upon the Senate and inform that honorable body that the Assembly were ready and in waiting to go into Joint Convention to compare the Journals of both Houses in relation to the election of United States Senator.

Mr. Small moved a call of the House, pending which the Honorable the Senate appeared at the bar of the House, and were admitted to seats upon the floor.

Mr. Small, with consent of his second, withdrew his motion for a call of the House.

IN JOINT CONVENTION.

The Convention met at 12 m. and was called to order by the President of the Senate, in conjunction with the Speaker of the House.

All present, except Messrs. Bonnifield and Potter.

That portion of the Journals of both Houses in relation to the election of a United States Senator were compared.

Mr. Welty offered the following resolution:

*Resolved*, by the Legislature of the State of Nevada, in Joint Convention assembled, That after the reading of the Journals of the Senate and Assembly relative to the votes cast in each House for United States Senator, to fill the vacancy to occur by the expiration of the term of Hon. William M. Stewart, the Hon. William M. Stewart is declared to have received a majority of the vote of each House, and is hereby declared duly elected United States Senator for the State of Nevada.

Upon which the ayes and noes were called for by Messrs. Hall, Welty, and Lammon, and the resolution adopted by the following vote:

YEAS—Messrs. Abraham, Brown, Eastman, Edwards, Grey, Haines, Hall, Hastings, Hazard, Hurd, Linn, Mason, Monroe, Mullen, Shamp, Stevenson, Tritle, Welty, Wilson, Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tenant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—57.

The President of the Convention therefore duly declared the Hon. William M. Stewart elected United States Senator for the term commencing March 4th, 1869, and ending March 3d, 1875.

On motion, the Convention adjourned *sine die*.

#### IN SESSION.

On motion of Mr. Woodworth, at 12:20 P.M. the House took a recess for five minutes.

House called to order.

Quorum present.

Mr. Hillyer, by leave, introduced the following resolution:

*Resolved*, That the Secretary of State be authorized to deliver to the Judiciary Committee of the Assembly Senate Bill No. 4 of the First Session now on file in his office.

Adopted.

#### REPORT FROM COMMITTEE ON ENGROSSMENT.

*Mr. Speaker*:

Your Standing Committee on Engrossment, to whom was referred Assembly Bill No. 7, entitled "An Act for the Relief of C. S. Varian," beg leave to report that they have examined the engrossed copy, and find it correctly engrossed.

JOHN S. MAYHUGH,  
Chairman.

#### THIRD READING OF BILLS.

Assembly Bill No. 7, entitled "An Act for the Relief of C. S. Varian."  
Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—36.

Mr. Mayhugh moved to reconsider the motion by which the House refused to print Assembly Bill No. 22.

Carried.

And on motion of Mr. Hillyer, bill ordered printed.

On motion of Mr. Mayhugh, at 20 minutes to 1 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## ELEVENTH DAY.

THURSDAY, January 14th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by Rev. Father Gleason.

Journal of yesterday read and approved.

Mr. Mayhugh presented the petition of Wm. Dockerty to change name.

Placed on file.

## REPORT OF SELECT COMMITTEES.

*Mr. Speaker :*

Your Select Committee, consisting of the Lyon County delegation, to whom was referred the bill entitled "An Act for the purpose of placing the Finances of Lyon County upon a Permanent Cash Basis, and to provide for the Payment of the Outstanding Indebtedness of the said County," beg leave to report that they have had the same under consideration and report the bill back to the House without amendment and recommend its passage.

C. D. KING,  
J. K. BARNEY,  
THOS. C. FORD,  
Lyon County Delegation.

On motion of Mr. Mayhugh, Mr. King was changed from Chairman of Committee on Elections to Chairman of Committee on Enrollment, and Mr. Burson from Chairman of Committee on Enrollment to Chairman of Committee on Elections.

## RESOLUTIONS.

By Mr. Barney :

*Resolved*, That the Standing Committees on Military and Indian Affairs, and Agriculture, be allowed a clerk jointly.

Adopted.

By Mr. Woodworth :

*Resolved*, That the Sergeant-at-Arms is hereby directed to procure two benches and place them in the lobby for the use of spectators.

Adopted.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee to whom was referred Assembly Bill No. 6, entitled "An Act to amend an Act entitled 'An Act to amend an Act of the Legislative Assembly of the Territory of Nevada,' approved November 5th, 1861," entitled "An Act concerning Conveyances, approved March 11th, 1867," report the same back with recommendation that it do pass.

C. J. HILLYER,  
Chairman Judiciary Committee.

## NOTICES.

Mr. Moody gave notice that he would, at some future day, introduce a bill granting to certain parties the right to lay water pipes from the town of Hamilton to Treasure City, in White Pine County.

Mr. Mayhugh, by leave, introduced Assembly Bill No. 24, entitled "An Act to amend Section 7 of an Act entitled 'An Act to repeal an Act entitled an Act authorizing the Corporation of the Town of Aurora to the City of Aurora,' approved February 9th, 1864, and to provide for the Payment of the Indebtedness thereof, approved February 17th, 1866."

Read first time; rules suspended; read second time by title, and referred to the Esmeralda delegation.

## GENERAL FILE.

Assembly Bill No. 12, amended and ordered engrossed for a third reading.

Assembly Bill No. 9, reported from Committee and ordered engrossed.

Assembly Bill No. 6, ordered engrossed.

On motion of Mr. Mayhugh, at 11:30 A.M. the special order for 12 M., report on Official Reporter, was taken up, and, on motion of Mr. Tennant, laid on the table.

## NOTICE BY LEAVE.

Mr. Gray gave notice that he would, on some future day, introduce a bill to authorize the Commissioners of Storey County to pay certain bonds.

Mr. Corbett, by leave, introduced the following resolution:

*Resolved*, That the pay of Committee Clerks shall begin only when their services are required by the Committees.

Lost.

On motion of Mr. Mills, it was ordered that the Committee on Printing have corrected lists of the Standing Committees printed.

On motion of Mr. Doolin, the Sergeant-at-Arms was instructed to procure a latch for fastening the skylight.

On motion of Mr. King, at 11:45 A.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## TWELFTH DAY.

FRIDAY, January 15th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by Rev. Father Gleason.

Journal of yesterday read and approved.

Mr. Gray presented Petition No. 3 of William Ede, praying for a bill to be passed for his relief.

Read and referred to the Storey County delegation.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 3, relating to mail service from Belmont to Aurora, Nevada, beg respectfully to report that they have had the same under consideration, and directed their Chairman to report the same back to the House and recommend its passage.

JOHN WELCH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 6, relative to claims of State of Nevada against the Federal Government, beg respectfully to report that they have had the same under consideration, and directed their Chairman to report the same back to the House and recommend its passage.

JOHN WELCH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Public Morals, to whom was referred Assembly Bill No. 24, "An Act supplementary to an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice in the Territory of Nevada,' approved November 29th, 1861," report that they have had the same under consideration and recommend its passage without amendment.

W. D. GRAY,  
H. F. DANGBERG,  
S. J. DAVIS.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have examined the following named bills and find them correctly engrossed :

Assembly Bill No. 6, "An Act to amend an Act entitled 'An Act to amend an Act of the Legislative Assembly of the Territory of Nevada,' approved November 5th, 1861, entitled 'An Act concerning Conveyances,' approved March 11th, 1867."

Also, Assembly Bill No. 9, "An Act to repeal an Act entitled 'An Act in relation to Public Highways.'"

Also, Assembly Bill No. 12, "An Act to transfer certain Moneys in the Indigent Sick Fund of Esmeralda County to the Redemption and Treasurer's Salary Fund of said County."

J. S. MAYHUGH,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

The undersigned, the majority of the Storey County delegation, to whom was referred Assembly Bill No. 22, entitled "An Act to authorize the Commissioners of Storey County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Three Hundred Thousand Dollars, and to provide for the payment of the same," report that they have had the same under consideration and recommend its passage without amendment.

W. D. GRAY,  
WILMER BROWN,  
J. M. HANFORD,  
D. O. ADKISON,  
J. W. ANDERSON,  
J. L. RICHARDSON,  
GEO. I. LAMMON,  
C. J. HILLYER,  
JOHN WELCH.

Report received and placed on file.

The minority of Committee asked further time to report.

Not granted.

#### RESOLUTIONS.

By Mr. Welch :

*Resolved*, That the Standing Committees on Federal Relations and State Institutions jointly be empowered to employ a Clerk ; also, that the Sergeant-at-Arms be instructed to select some committee room from among those already selected for said Committees to transact their business in.

Adopted.

By Mr. Doolin :

*Resolved*, That the Sergeant-at-Arms be and is hereby instructed to procure a suitable room for the joint use of the Committees on Mines and Mining Interests, Ways and Means, Counties and County Boundaries, and the Joint Committees on Public Lands and Swamp and Overflowed Lands.

Adopted.

Mr. Burlingame moved that Assembly Bill No. 22, "An Act to authorize the Commissioners of Storey County to issue Bonds to the Virginia and Truckee Railroad Company," be taken up and made the Special Order for Monday, January 25th, at 12 M.

Upon which the yeas and noes were called by Messrs. Hillyer, Potter, and Gray, and motion carried by the following vote :

YEAS—Messrs. Barney, Bowman, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Ford, King, Mills, Moody, Moulton, Potter, Randall, Scott, Shakspeare, Shimmin, Small Tennant, and Waller—23.



NAYS—Messrs. Anderson, Brown, Corbett, Doolin, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Richardson, Rule, Welch, Woodworth, Wright, and Mr. Speaker—16.

Mr. Davis gave notice that he would on to-morrow make a motion to reconsider the vote by which the motion was *lost* [carried].

# MESSAGE FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 14th, 1869.

*To the Hon. the Assembly:*

I have the honor to herewith transmit, for the consideration of your honorable body, Senate Concurrent Resolution No. 22, relative to printing one thousand copies of the Report of the State Superintendent of Public Instruction, the same having been adopted in the Senate this day.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y of Senate.

Senate Concurrent Resolution No. 22, relative to printing one thousand copies of Report of Superintendent of Public Instruction:

Read, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—38.

NAYS—Mr. Clark—1.

# NOTICES.

Mr. Moulton gave notice that he would on some future day ask leave to introduce a bill for an Act entitled "An Act for the apportionment of Senators and Assemblymen in the different Counties of this State."

Mr. Hillyer gave notice that he would on some future day introduce a bill for "An Act to regulate the Practice in Civil Cases in this State, and to repeal all other Acts in relation thereto."

Mr. Tennant, pursuant to notice, introduced Assembly Bill No. 26, entitled "An Act to repeal all Acts or parts of Acts so far as they conflict with an Act of Congress entitled 'An Act to protect all persons in the United States in their Civil Rights and furnish the means of their vindication,' passed April 9th, 1866."

Read first time; rules suspended; read second time by title, and referred to Committee on Federal Relations.

Mr. Gray, pursuant to notice, introduced Assembly Bill No. 27, entitled "An Act to authorize the people of Storey County to pay certain Bonds."

Read first time; rules suspended; read second time by title, and referred to Storey County delegation.

Mr. Woodworth, by leave, introduced Assembly Bill No. 28, entitled "An Act for the Protection of Labor."

Read first time; rules suspended; read second time by title, referred to Committee on Public Morals, and

On motion of Mr. Tennant, five hundred copies ordered printed.

#### GENERAL FILE.

Assembly Bill No. 18, entitled "An Act for the purpose of placing the Finances of Lyon County upon a Permanent Cash Basis and to provide for the Payment of the Outstanding Indebtedness of the said County."

Ordered engrossed.

Assembly Concurrent Resolution No. 3, relative to mail service from Belmont to Aurora.

Ordered engrossed.

Assembly Joint Resolution No. 6, relative to claim of the State of Nevada against the Government of the United States.

Ordered engrossed.

Assembly Bill No. 24, entitled "An Act supplementary to an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of the Territory of Nevada, approved November 29th, 1861.'"

Ordered engrossed.

#### THIRD READING OF BILLS.

Assembly Bill No. 6, entitled "An Act to amend an Act entitled 'An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, approved November 5th, 1861, entitled "An Act concerning Conveyances," approved March 11th, 1867.'"

Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—38.

Assembly Bill No. 9, entitled "An Act to repeal an Act entitled 'An Act in relation to Public Highways.'"

Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—36.

Assembly Bill No. 12, entitled "An Act to transfer certain Moneys in the Indigent Sick Fund of Esmeralda County to the Redemption and Treasurer's Salary Fund of said County."

Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—37.

On motion of Mr. Corbett, Senate Message taken up.

MESSAGE FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 15th, 1869. }

*To the Hon. the Assembly:*

I have the honor to herewith transmit, for the consideration of your honorable body, Senate Concurrent Resolution No. 28, the same having passed the Senate this day.

Respectfully,

JOHN WASSON,  
Secretary of Senate.

Senate Concurrent Resolution No. 28, relative to Secretary of State furnishing all bills delivered to Governor within                      days of the adjournment of last session and not returned to the House in which they originated.

At 12:35 minutes P.M., Mr. Mills moved to adjourn to Monday at 11 o'clock, A.M.

Upon which the yeas and noes were called for by the requisite number, and motion lost by the following vote:

YEAS—Messrs. Bunker, Burson, Burlingame, Clark, Cleveland, Dangberg, Davis, Doolin, Mayhugh, Mills, Small, Tennant, Waller, and Welch—14.

NAYS—Messrs. Anderson, Barney, Bowman, Brown, Coburn, Corbett, Ford, Gray, Hanford, Hanson, Hillyer, King, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Woodworth, Wright, and Mr. Speaker—24.

NOTICE BY LEAVE.

Mr. Mayhugh gave notice that he would on some future day ask leave to introduce a bill entitled "An Act to confer certain powers to the several District Courts within this State to change the name of any person or persons asking for the same, by petition of said Courts."

Mr. Mayhugh moved to adjourn to Monday at 11 o'clock A.M.

Mr. Potter moved to amend to adjourn to to-morrow at 11 o'clock A.M.

Amendment carried, and at 20 minutes to 1 o'clock P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## THIRTEENTH DAY.

SATURDAY, January 16th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Fraser.

Journal of yesterday read and approved.

Mr. Davis moved to reconsider the vote by which Assembly Bill No. 22 was made the Special Order for Monday, January 25th.

Carried.

Mr. Burlingame moved that the bill be made the Special Order and considered in Committee of the Whole on Monday, January 18th, at 12 M.

Upon which the ayes and noes were called for by Messrs. Potter, Corbett, and Burlingame, and motion carried by the following vote:

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, King, Mayhugh, Mills, Moulton, Potter, Randall, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, and Wright—26.

NAYS—Messrs. Bowman, Corbett, Gray, Hanford, Hanson, Hillyer, Lammon, Richardson, Rule, Welch, Woodworth, and Mr. Speaker—12.

## REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have examined the following titled bills, and find them correctly engrossed. to wit:

Assembly Joint Resolution No. 6, relative to claims of the State of Nevada against the Government of the United States.

Also, Assembly Concurrent Resolution No. 3, relating to mail service from Belmont to Aurora, Nevada.

JOHN S. MAYHUGH,  
Chairman.

## NOTICE.

Mr. Bowman gave notice that he would, on some future day, introduce a bill entitled "An Act for the Relief of Jonathan Williams."

Mr. Hillyer introduced Assembly Bill No. 29, entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto."

Read first time; rules suspended, and bill read second time by title.

Mr. Hillyer offered the following resolution:

*Resolved,* That Bill No. 29, for a "Civil Practice Act," be printed under the supervision of the Judiciary Committee, and that said Committee are authorized to make alterations and corrections therein, as shall seem to them to be required upon adopting the printed proof.

Adopted.

On motion of Mr. Hillyer, the copying of the bill was dispensed with, and the bill placed in the hands of the Judiciary Committee.

On motion of Mr. Mayhugh, at 20 minutes to 12 m. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FIFTEENTH DAY.

MONDAY, January 18th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. Dangberg.

Prayer by the Rev. Mr. Fraser.

Journal of Saturday, January 16th, read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Military and Indian Affairs, to whom was referred "An Act to create a Board of County Commissioners to examine and report upon the amount of just Claims existing for Property destroyed and for Losses sustained by Indian depredations in Humboldt County in this State in the Years 1867 and 1868," beg leave to report the same back with the following amendments, and recommend its passage as amended. First, strike out the word "County" in the first line of the title of the bill. Also, in the last line of Section 1 the word "March," and insert [in lieu] thereof the word "May;" and in the lines eleven and twelve, in Section 11, to strike out the words "of said five hundred dollars."

J. A. BURLINGAME,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment, to whom was referred the following titled bills, beg leave to report that they have examined the same and find them correctly engrossed, to wit:

Assembly Bill No. 18, "An Act for the purpose of placing the Finances of Lyon County upon a permanent cash basis, and to provide for the Payment of the Outstanding Indebtedness of the said County."

Also, Assembly Bill No. 24, "An Act supplementary to an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of the Territory of Nevada,' approved November 29th, 1861."

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Public Morals, to whom was referred Assembly Bill No. 28, entitled "An Act for the Protection of Labor," have had the same under consideration, and ask leave to report that they are in favor of the general principles of the bill, but would recommend its reference to the Judiciary Committee for future consideration.

W. D. GRAY,  
Chairman.

#### RESOLUTIONS.

By Mr. Mayhugh :

WHEREAS, Article IV, Section 18, of the State Constitution, provides that every bill shall be read by sections on three several days, except in case of emergency, when the Assembly may, by a two-thirds vote, suspend the rules if they deem it expedient; and,

Whereas, Said clause in our Constitution in relation to the first and second reading of bills does not in our judgment prevent crude and hasty legislation, but only delays the reference and printing of bills, which must be done before any measure can be carefully examined or considered; therefore, be it

*Resolved*, That it is the opinion of the Assembly that upon second reading of all bills of a general nature that are presented for its consideration, said emergency has arisen as contemplated by the provisions of the Constitution, and that from and after the adoption of this resolution it shall be the duty of the Speaker to order every bill to a second reading by title without a motion in relation thereto.

Mr. Mayhugh moved the adoption of the resolution.

Upon which the ayes and noes were called for by Messrs. Mayhugh, Woodworth, and Davis, and resolution adopted by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hill-  
yer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—37.

NAYS—Mr. Burlingame—1.

Mr. Small asked leave of absence for Mr. Dangberg for one day.  
Leave granted.

Mr. Burlingame, by leave, presented a remonstrance from citizens of Storey County against the passage of Assembly Bill No. 22, entitled "An Act to provide for the Issuance of Bonds to the Virginia and Truckee Railroad Company."

By Mr. Woodworth :

*Resolved*, That the Sergeant-at-Arms is hereby instructed to furnish to the different newspaper reporters such stationery as they may require for use in making reports of the proceedings of this House.

Adopted.

#### NOTICES.

Mr. Bowman gave notice that he would, on some future day, introduce a bill entitled "An Act in relation to Fees of District Attorneys in Tax Suits."

Mr. Bowman, pursuant to notice, introduced Assembly Bill No. 30, entitled "An Act for the Relief of Jonathan Williams."

Read first time; rules suspended; read second time by title, and referred to Committee on Claims.

On motion of Mr. Mayhugh, the House resolved itself into the Committee of the Whole for the consideration of the General File.

Mr. Speaker in the chair.

In time, the Committee arose, and reported to the House that they had had under consideration the following bill, viz:

Assembly Bill No. 10, "An Act to create a Board of Commissioners," and reported the same back amended, and recommend its passage.

Report of Committee adopted and Committee discharged.

On motion of Mr. Woodworth, Assembly Bill No. 10 ordered engrossed.

### THIRD READING OF BILLS.

Assembly Joint Resolution No. 6, relative to claims of the State of Nevada against the Government of the United States.

Read third time, and passed by the following vote:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—35.

Assembly Concurrent Resolution No. 3, relative to mail service from Belmont to Aurora, Nevada.

Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—37.

### SPECIAL ORDER

For 12 M., Assembly Bill No. 22.

On motion of Mr. Hillyer, the House went into Committee of the Whole, Mr. Tennant in the chair, for the consideration of the bill.

In time, the Committee rose and reported to the House that they had had under consideration Assembly Bill No. 22, entitled "An Act to authorize the Commissioners of Storey County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Three Hundred Thousand Dollars, and to provide for the Payment of the same," without amendment, and recommended its passage.

Report adopted, and Committee discharged.

Mr. Hillyer moved that the Rules be suspended, the bill be considered engrossed, and placed upon its third reading and final passage.

Upon which the ayes and noes were called for by Messrs. Burlingame, Potter, and Moulton.

On motion, a call of the House was ordered.

Roll called.

Absent—Messrs. Shakspeare, Hanson, and Woodworth.

Mr. Hanson appearing at the bar of the House was admitted, and on motion excused.

Messrs. Woodworth and Shakspeare appearing at the bar of the House were admitted and excused.

On motion of Mr. King, the further call of the House was dispensed with.

Roll called, and motion to suspend the Rules carried by the following vote :

YEAS—Messrs. Anderson, Barney, Brown, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Randall, Richardson, Rule, Scott, Shakspeare, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—31.

NAYS—Messrs. Bowman, Bunker, Burson, Burlingame, Cleveland, Moulton, Potter, and Shimmin—8.

Mr. Burlingame moved to adjourn.

Lost.

### THIRD READING OF BILLS.

Assembly Bill No. 22, entitled "An Act to authorize the County Commissioners of Storey County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Three Hundred Thousand Dollars, and to provide for the Payment of the same."

Mr. Potter moved that the bill be referred to a Committee of One, to insert the word "County" before "Commissioners."

Lost.

Bill read third time, and passed by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—34.

NAYS—Messrs. Bunker, Burlingame, Cleveland, Moulton, and Shimmin—5.

Mr. Potter gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly Bill No. 22 was passed.

On motion of Mr. Bowman, at 20 minutes to 2 o'clock P.M. the Senate adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.



## SIXTEENTH DAY.

TUESDAY, January 19th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Hammond.

Journal read and approved.

Mr. Speaker announced that by request Mr. Woodworth was appointed in place of Mr. Hillyer as Chairman of Committee on Public Lands, and Mr. Mills added to the Judiciary Committee.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee, to whom was referred Assembly Bill No. 21, "An Act entitled 'An Act concerning Official Bonds,' approved March 14th, 1865," report the same back with substitute and recommend the adoption of the substitute.

Also, Assembly Bill No. 13, "An Act to amend an Act entitled 'An Act to create a Board of County Commissioners in the several Counties of this State, and to define their duties and powers,' approved March 8th, 1865," report that they have considered the same, made the following amendments thereto, and recommend its passage as amended :

First amendment: Strike out the words "five thousand or more votes" wherever they occur in said section and insert in lieu thereof the words "four thousand or more votes."

Second amendment: Add "Section Three." Section 17 of the Act of which this is amendatory, so as to read as follows: Section 17. Each member of the Board of County Commissioners shall be entitled to receive for his services, for each day's necessary attendance (not including Sundays) on the business of the county, a sum to be fixed by the Board, said sum not to exceed in the aggregate during any one year six hundred dollars to each member of said Board; and he shall receive seventy-five cents per mile for each mile necessarily traveled in going to and returning from the county seat to attend any session of said Board; *provided*, that no charge shall be made for more than one trip going and returning from the residence of such Commissioner at each session held; *and provided further*, that no Commissioner shall be allowed any compensation for services by reason of his being on any committee appointed by the Board, or for any other cause, except as herein provided.

Third amendment: Section 4. Section 18 of the Act of which this is amendatory is hereby repealed.

Also, Assembly Bill No. 11, entitled "An Act to amend an Act entitled 'An Act to regulate Fees and Compensation for Official and other Services in the State of Nevada,' approved March 9th, 1865," report the same back with the recommendation that it do not pass.

C. J. HILLYER,  
Chairman Judiciary Committee.

*Mr. Speaker :*

Your Standing Committee on Corporations, to whom was referred Assembly Bill No. 23, entitled "An Act to repeal an Act entitled 'An Act to encourage the

construction of a Telegraph Line to Unionville and Star City,' approved February 9th, 1864," beg leave to report that they have had the same under consideration, return the bill back, and recommend its passage.

GEO. I. LAMMON,  
Chairman.

#### RESOLUTIONS.

By Mr. Wright :

*Resolved*, That the Committees on Claims and State Library be authorized to employ a clerk jointly.

Adopted.

#### MESSAGES FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 18th, 1869. }

*To the Hon. the Assembly :*

I have the honor to herewith transmit for your consideration Senate Concurrent Resolution No. 34, the same having passed the Senate this day.

Also, Senate Concurrent Resolution No. 37, relative to referring the Report of the State Mineralogist to the Committee on Mines and Mining Interests of both Houses for their joint action, the same having passed the Senate this day unanimously.

Also, Senate Bill No. 18, entitled "An Act to authorize the Commissioners of Ormsby County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Two Hundred Thousand Dollars, and to provide for the payment of the same," the same having passed the Senate this day by the following vote :

YEAS—17.

NAYS—0.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Secretary of Senate.

Senate Concurrent Resolution No. 34.

Read first time.

Senate Bill No. 18, (as per Senate Message) entitled "An Act to authorize the Commissioners of Ormsby County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Two Hundred Thousand Dollars, and to provide for the payment of the same."

Read first time.

#### NOTICES.

Mr. Mayhugh gave notice that he would, on some future day, introduce a bill entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act concerning District Attorneys,' approved March 11th, 1865, approved February 26th, 1866,' as amended March 11th, 1867."

Mr. Doolin gave notice that he would, on some future day, introduce a bill entitled "An Act to amend Section 44 of an Act entitled 'An Act to provide for Organizing and Disciplining the Militia of this State,' approved March 4th, A.D. 1865."

Mr. Potter, pursuant to notice, moved to reconsider the vote by which Assembly Bill No. 22 was passed.

Upon which the ayes and noes were called for by Messrs. Potter, Moulton, and Bunker, and motion lost by the following vote:

YEAS—Messrs. Bunker, Burlingame, Cleveland, Moulton, Potter, and Shimmin—6.

NAYS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Randall, Richardson, Rule, Scott, Shakspeare, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—31.

On motion of Mr. Bowman, Mr. Potter was granted leave to have his vote appear on the record as having voted against the passage of the Assembly Bill No. 22.

Senate Bill No. 18, entitled "An Act to authorize the Commissioners of Ormsby County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Two Hundred Thousand Dollars, and to provide for the payment of the same."

Rules suspended; read second time by title, and referred to Ormsby County delegation.

Senate Concurrent Resolution No. 34, relative to inserting the word "regular."  
Read second time.

Senate Concurrent Resolution No. 37.  
Read second time and placed on file.

Mr. Bowman, pursuant to notice, introduced Assembly Bill No. 32, entitled "An Act in relation to Fees and Percentage of District or Prosecuting Attorneys in suits for the Collection of Delinquent Taxes."

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

### THIRD READING OF BILLS.

Assembly Bill No. 24, entitled "An Act supplementary to an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of the Territory of Nevada,' approved November 29th, 1861."

Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Brown, Bunker, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Ford, Gray, Hillyer, Mayhugh, Moulton, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Waller, Welch, Woodworth, and Wright—24.

NAYS—Messrs. Bowman, Burson, Corbett, Doolin, Hanford, Hanson, King, Lammon, Mills, Richardson, Small, and Mr. Speaker—12.

Mr. Welch gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly Bill No. 24 was passed.

Mr. Hillyer offered the following amendment to the title of Assembly Bill No. 24:

"An Act to discourage the Sale on Credit of Liquors by Retail."  
Adopted.

Mr. Welch moved the following amendment :

“An Act to prevent the Sale of Liquors by the Glass or Barrel.”

Lost.

Mr. Corbett moved the following substitute :

“An Act to discourage the Sale of Spirituous Liquors at Retail or otherwise.”

Upon which the ayes and noes were called for by Messrs. Corbett, Lammon, and Welch, and substitute lost by the following vote :

YEAS—Messrs. Corbett, Doolin, Hanford, Lammon, Richardson, Scott, Welch, and Mr. Speaker—8.

NAYS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Ford, Gray, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Shakspeare, Shimmin, Small, Waller, Woodworth, and Wright—29.

Mr. Anderson moved the following amendment :

“An Act to limit Credit upon the Sale of Spirituous Liquors by Retail.”

Lost.

Mr. Mayhugh moved to amend, entitled “An Act to provide for the Protection of Saloon and Barkeepers of this State.”

Lost.

Assembly Bill No. 18, entitled “An Act to place the Finances of Lyon County on a Permanent Cash Basis, and to provide for the payment of the same.”

Read third time, and passed by the following vote :

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—37.

Assembly Bill No. 13, entitled “An Act to amend an Act entitled ‘An Act to create a Board of County Commissioners in the several Counties of this State, and define their duties and powers,’ approved March 8th, 1865.”

On motion of Mr. Moulton, the amendments reported by Committee were adopted, and bill ordered engrossed.

Assembly Bill No. 11, entitled “An Act to amend an Act entitled ‘An Act to regulate Fees and other Services in the State of Nevada,’ approved March 9th, 1865.”

Mr. Welch moved that the bill be temporarily laid on the table.

Lost.

On motion of Mr. Adkison, bill placed at bottom of General File.

Assembly Bill No. 23, entitled “An Act to repeal an Act entitled ‘An Act to encourage the Construction of a Telegraph Line to Unionville and Star City,’ approved February 9th, 1864.”

Ordered engrossed.

Substitute Assembly Bill No. 21, reported from Committee, entitled "An Act to amend an Act entitled 'An Act concerning Official Bonds.'"

Ordered engrossed.

Mr. Tennant, by leave, introduced Assembly Bill No. 33, entitled "An Act to create the County of White Pine."

Read first time; rules suspended; read second time by title, and referred to the Committee on Counties and County Boundaries, and ordered printed.

Mr. Woodworth, by leave, introduced the following resolution:

*Resolved*, That no more Committees be allowed clerks, except by unanimous consent of the House.

Adopted.

On motion of Mr. Potter, at 12:45 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

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## SEVENTEENTH DAY.

WEDNESDAY, January 20, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Hammond.

Journal read, corrected, and approved.

Mr. Corbett presented a petition from the citizens of Ormsby County, in favor of issuing Bonds to the Virginia and Truckee Railroad Company.

Read, and referred to Ormsby County delegation.

Communication in relation to the Lincoln Monument, read and referred to the Committee on Federal Relations.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have compared the following named bill with the original, and find it correctly engrossed, to wit: Assembly Bill No. 10, entitled "An Act to create a Board of Commissioners to examine and report upon the amount of just claims existing for losses sustained by Indian Depredations."

All of which is respectfully submitted.

J. S. MAYHUGH,  
Chairman.

Mr. Hillyer reported back from the Judiciary Committee, Assembly Bill No. 32, "An Act in relation to Fees and Percentage of District or Prosecuting Attorneys in Suits for the Collection of Delinquent Taxes," and recommended it be referred to Committee on Ways and Means.

So referred.

*Mr. Speaker :*

The Senate and Assembly Committees on Mines and Mining Interests, by special resolution of both Houses, convened as a Joint Committee to consider the Report of the State Mineralogist, have had the same under consideration, and respectfully recommend that fifteen hundred copies of said Report be printed, and that the State Mineralogist be authorized to take the manuscript thereof to San Francisco, California, and superintend the printing of the same.

C. C. STEVENSON,  
Ch'n Senate Committee.  
T. W. RULE,  
Ch'n Assembly Committee.

Report adopted.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee, consisting of the Ormsby County Delegation, to whom was referred Senate Bill No. 18, entitled "An Act to authorize the Commissioners of Ormsby County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Two Hundred Thousand Dollars, and to provide for the Payment of the same," beg leave to report that they have had the same under consideration, and report the same back to the House without amendments, and unanimously recommend its passage.

W. H. CORBETT,  
Chairman.  
J. HANSON,  
S. C. WRIGHT.

#### RESOLUTIONS.

Mr. Tennant, pursuant to notice, introduced Concurrent Resolution No. 12, relating to James N. [M.] Dawley, Sheriff of Lander County.

Read first time ; rules suspended ; read second time by title, and placed on file.

By Mr. Mayhugh :

*Resolved,* That all bills that are considered engrossed by the House, before their final passage, (which must necessarily be engrossed before being presented to the Senate) be first examined by the Chairman of the Committee on Engrossment, and if found correctly engrossed, the same be reported to the Clerk of the House for transmission to the Senate.

Adopted.

By Mr. Burson :

*Resolved,* That the Sergeant-at-Arms be, and he is hereby, authorized to procure suitable rooms for the Committees on Corporations, Education, and Elections, also, the Committees on Claims and State Library.

Adopted.

## SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, January 19, 1869.

*To the Hon. the Assembly :*

I am directed to herewith transmit for the consideration of your honorable body Senate Concurrent Resolution No. 40, relative to Printing 1,000 Copies of the Reports of the State Controller and State Treasurer, for the use of the Senate and Assembly, the same having passed the Senate this day.

Respectfully,

CHAS. F. BICKNELL,  
 Asst. Sec'y of Senate.

Senate Concurrent Resolution No. 40, relative to Printing Reports of State Controller and State Treasurer.

Read first time ; rules suspended ; read second time by title, and on motion of Mr. Mayhugh, amended by striking out "1,000" and inserting "1,500."

Rules further suspended ; read third time, and passed unanimously.

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, January 19th, 1869.

*To the Hon. the Assembly :*

I have the honor to herewith transmit for your consideration Senate Bill No. 16, entitled "An Act to confer upon Curtis H. Lindley, a minor, the powers, privileges, and responsibilities of an adult," the same having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
 Ass't Sec'y of Senate.

Senate Bill No. 16, entitled "An Act to confer upon Curtis H. Lindley, a Minor, the Powers, Privileges, and Responsibilities of an Adult."

Read first time ; rules suspended ; read second time by title, and referred to the Judiciary Committee.

Mr Welch, pursuant to notice, moved to reconsider the vote by which Assembly Bill No. 24, entitled "An Act to discourage the Sale on Credit of Liquors by Retail," was passed.

Upon which the ayes and noes were called for by Messrs. Burlingame, Scott, and Brown, and motion carried by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Cleveland, Corbett, Doolin, Ford, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Richardson, Rule, Small, Tennant, Welch, Wright, and Mr. Speaker—23.

NAYS—Messrs. Brown, Burlingame, Clark, Coburn, Dangberg, Davis, Gray, Lammon, Moulton, Potter, Randall, Scott, Shakspeare, Shimmin, Waller, and Woodworth—16.

Upon which Mr. Welch moved the bill be indefinitely postponed.

Roll called, and bill indefinitely postponed by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Clark, Cleveland, Corbett, Doolin, Ford, Hanford, Hanson, Hillyer, King, Mills, Moody,

Richardson, Rule, Small, Tennant, Waller, Welch, Wright, and Mr. Speaker—24.

NAYS—Messrs. Brown, Burlingame, Coburn, Dangberg, Davis, Gray, Lammon, Mayhugh, Moulton, Potter, Randall, Scott, Shakspeare, Shimmin, and Woodworth—15.

#### NOTICES.

Mr. Shakspeare gave notice that he would, on some future day, introduce a bill entitled "An Act to provide for the election of a Board of Regents and define their duties."

Mr. Anderson gave notice that he would, on some future day, introduce a bill entitled "An Act to incorporate the town of Gold Hill."

Mr. Doolin gave notice that he would, on some future day, introduce a bill entitled "An Act providing for the Subdivision of Counties, for the Organization of New Counties, and for the Government of the same."

Mr. Hillyer gave notice that he would, on some future day, introduce a bill entitled "An Act to relieve M. Kruttschnitts and his Bondsmen."

Also, a bill entitled "An Act to amend the Revenue Act of 1865."

Also, a bill entitled "An Act to amend certain Sections of the Railroad Act of 1865."

Mr. Mayhugh, pursuant to notice, introduced Assembly Bill No. 34, entitled "An Act in relation to Changing the Names of Individuals."

Read first time; rules suspended; read second time by title, and placed on file.

Mr. Doolin, pursuant to notice, introduced Assembly Bill No. 35, entitled "An Act to amend Section 44 of an Act entitled 'An Act to provide for Organizing and Disciplining the Militia of the State,' approved March 4, 1865."

Read first time; rules suspended; read second time by title, and referred to Committee on Military and Indian Affairs.

Mr. Mayhugh, on leave, introduced Assembly Bill No. 36, entitled "An Act to provide for the Erection of a State Capitol."

Read first time; rules suspended; read second time by title; ordered printed, and referred to Committee on State Institutions.

Mr. Hillyer, by leave, introduced Assembly Bill No. 37, entitled "An Act for the Relief of M. Kruttschnitts and his Bondsmen."

Read first time; rules suspended; read second time by title, and referred to Committee on Claims.

Mr. Hillyer, by leave, introduced Assembly Bill No. 38, entitled "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies and the Management of the Affairs thereof, and other matters relating thereto,' approved March 22, 1865."

Read first time; rules suspended; read second time by title, ordered printed, and referred to Committee on Corporations.



Mr. Hillyer, by leave, introduced Assembly Bill No. 39, entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the support of the Government of the State of Nevada,' approved March 9, 1865."

Read first time; rules suspended; read second time by title, and referred to Committee on Ways and Means.

On motion of Mr. Corbett, Senate Bill No. 18, entitled "An Act to authorize the Commissioners of Ormsby County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Two Hundred Thousand Dollars, and to provide for the Payment of the same," taken from file and read third time.

And on motion of Mr. Corbett, bill referred to a Special Committee of One, with instructions to strike out in Section 6, third line, after the word "hereinbefore" and before the word "to" the word "denoted," and insert in lieu thereof the word "directed."

The Committee reported the bill back to the House amended as per instructions.

Roll called, and bill passed.

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—35.

NAYS—Messrs. Cleveland and Moulton—2.

Assembly Bill No. 10, entitled "An Act to create a Board of Commissioners to examine and report upon the amount of Just Claims existing for Losses sustained by Indian Depredations."

Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—37.

Senate Concurrent Resolution No. 34, relating to inserting the word "regular" in Senate Concurrent Resolution No. 28.

Read third time, and passed unanimously.

Senate Concurrent Resolution No. 37, relative to referring Report of State Mineralogist to Committees on Mines and Mining Interests of both Houses for their joint action.

Read third time, and passed unanimously.

Mr. Mayhugh moved that the amendment to Senate Bill No. 18 be placed in proper shape and the bill transmitted to the Senate forthwith.

Carried.

On motion of Mr. Mayhugh, at 12:55 minutes P.M., the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## EIGHTEENTH DAY.

THURSDAY, January 21st, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. Hanson.

Prayer by the Rev. Father Gleeson.

Journal read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Public Lands, to whom was referred Assembly Bill No. 20, entitled "An Act providing Rules and Regulations for the executing of the Trust arising under the Act of Congress entitled 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands,' approved March 2d, 1867," have had the same under consideration, have come to a favorable conclusion thereon, and beg leave to report the same back to the House with the recommendation that it do pass without amendment.

J. M. WOODWORTH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Ways and Means, to whom was referred Assembly Bill No. 1, entitled "An Act to create Legislative Funds," have had the same under consideration, have made the following amendments thereto, have, with said amendments, come to a favorable conclusion thereon, and recommend its passage. In Section 1, line nine, after the word "dollars" insert the words "gold coin," and in every section and line where the word "dollars" appears insert thereafter the words "gold coin."

THOS. J. TENNANT,  
Chairman.

*Mr. Speaker :*

Your Select Committee composed of the Esmeralda delegation, to whom was referred Assembly Bill No. 25, entitled "An Act to amend Section 7 of an Act entitled 'An Act to repeal an Act authorizing the Corporation of the Town of Aurora to the City of Aurora,' approved February 9th, 1864, and to provide for the Payment of the Indebtedness thereof, approved February 17th, 1866."

Also, Assembly Bill No. 4, entitled "An Act to provide for the Indebtedness of Esmeralda County," beg leave to report that they have had the same under consideration, and have directed their chairman to report them back without amendment and recommend their passage.

All of which is respectfully submitted.

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully examined and compared the following named Assembly Bill with the original copy and have found it correctly engrossed, to wit: Assembly Bill No.

23, "An Act to repeal an Act entitled 'An Act to encourage the Construction of a Telegraph Line to Unionville and Star City,' approved February 9th, 1866."  
All of which is respectfully submitted.

JOHN S. MAYHUGH,  
Chairman.

MESSAGES FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 20th, 1869. }

*To the Hon. the Assembly:*

I have the honor to herewith transmit for the consideration of your honorable body Senate Substitute [Bill] No. 11, entitled "An Act to amend an Act entitled 'An Act to provide for the Appointment of Notaries Public and defining their Duties,' approved February 9th, 1864," the same having passed the Senate this day.

Also, Senate Bill No. 24, entitled "An Act to amend 'An Act to provide for the Publication of the Decisions of the Supreme Court of the State of Nevada,'" the same having passed the Senate this day.

I also return to your honorable body Assembly Bill No. 7, entitled "An Act for the Relief of C. S. Varian," the same having passed the Senate this day.

Also, Assembly Concurrent Resolution No. 3, relative to mail service from Belmont to Aurora, Nevada, the same having passed the Senate this day.

Also, Assembly Bill No. 22, entitled "An Act to authorize the Commissioners of Storey County to issue to the Virginia and Truckee Railroad Company Bonds to the Amount of Three Hundred Thousand Dollars, and to provide for the Payment of the same," the same having this day passed the Senate without amendment.

I also have the honor to inform your honorable body that the Senate has concurred in Assembly amendment to Senate Bill No. 18, "An Act to authorize the Commissioners of Ormsby County to issue to the Virginia and Truckee Railroad Company Bonds to the Amount of Two Hundred Thousand Dollars, and to provide for the Payment of the same."

Respectfully,

JOHN WASSON,  
Secretary of Senate.

Senate Bill No. 11, per Message, entitled "An Act to amend an Act entitled 'An Act to provide for the Appointment of Notaries Public and defining their Duties,' approved February 9th, 1864."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 24, per Message, entitled "An Act to amend an Act entitled 'An Act to provide for the Publication of the Decisions of the Supreme Court of the State of Nevada.'"

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Mayhugh, pursuant to notice, introduced Assembly Bill No. 41, entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act concerning District Attorneys,' approved March 11th, 1865; approved February 26th, 1866; approved March 11th, 1867.'"

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Corbett, by leave, introduced Assembly Bill No. 42, entitled "An Act to amend an Act entitled 'An Act to amend Chapter 113 of the Statutes of 1866, entitled "An Act to consolidate and pay certain Indebtedness of the County of Ormsby," approved March 12th, 1866; approved March 4th, 1867.'"

Read first time; rules suspended; read second time by title, and referred to the Ormsby County delegation.

Mr. Coburn, by leave, introduced Assembly Bill No. 43, entitled "An Act to create the County of Elko."

Read first time; rules suspended; read second time by title, and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 23, entitled "An Act to repeal "An Act to encourage the Construction of a Telegraph Line to Unionville and Star City," approved February 9th, 1866."

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—36.

Assembly Bill No. 34, entitled "An Act in relation to changing the Names of Individuals."

Ordered engrossed.

Concurrent Resolution No. 12, relative to the Sheriff of Lander County."

Ordered engrossed.

Substitute Assembly Bill No. 21, entitled "An Act to amend 'An Act concerning Official Bonds.'"

Adopted and ordered engrossed.

Assembly Bill No. 11, entitled "An Act to amend an Act entitled 'An Act to regulate Fees and Compensation for Official and other Services in the State of Nevada,' approved March 9th, 1865."

Made Special Order for February 11th, 1869, at 12 M.

Assembly Bill No. 4, entitled "An Act to provide for the Payment of the Indebtedness of Esmeralda County."

Ordered engrossed.

Assembly Bill No. 25, entitled "An Act to amend Section 7 of an Act entitled 'An Act to repeal an Act entitled "An Act authorizing the Corporation of the Town of Aurora to the City of Aurora," approved February 9th, 1864, and to provide for the Payment of the Indebtedness thereof,' approved February 17th, 1866."

Ordered engrossed.

Assembly Bill No. 20, entitled "An Act prescribing Rules and Regulations for the execution of the Trust arising under the Act of Congress, 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands,' approved March 2d, 1867."

Ordered engrossed

Assembly Bill No. 1, entitled "An Act to create Legislative Funds."

Motion to go into Committee of the Whole.

Lost.

Mr. Mayhugh moved that the amendments of the Committee be adopted.

Pending which on motion of Mr. Hillyer, made the Special Order for Saturday, January 23d, at 12 M.

Mr. Hillyer moved to suspend the Rules, and that when the House adjourns it adjourn to meet at 10 o'clock A.M. to-morrow.

Lost.

On motion of Mr. Mayhugh, at 12:15 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

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## NINETEENTH DAY.

FRIDAY, January 22d, 1869.

House met pursuant to adjournment.

Speaker *pro tem.* in the chair.

Roll called.

All present except Mr. Speaker.

Prayer by the Rev. Mr. Gleeson.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee, to whom was referred Assembly Bill No. 35, "An Act entitled 'An Act to amend Section 44 of an Act entitled an Act to provide for Organizing and Disciplining the Militia of the State,' approved March 4th, 1865," have had the same under consideration, beg leave to report the same back to the House and recommend its passage.

J. A. BURLINGAME,  
Chairman Com. on Military and Indian Affairs.

*Mr. Speaker:*

Your Standing Committee on Federal Relations, to whom was referred the "Lincoln Monument Memorial," have had the same under consideration, and directed their Chairman to report the same back to the House with the following recommendation and suggestions:

This seems to be an appeal from a body known as the "Lincoln Monument Association" asking for State and individual aid towards the erection of a monument to the memory of our lamented President Abraham Lincoln, the "Savior" of his country. This appeal is for an object that will at once commend itself to every loyal heart in the nation. The name of Abraham Lincoln will grow

brighter and brighter as time rolls on, and millions yet unborn will praise and venerate the name of the man who saved the nation's life when assailed by domestic and foreign foes, and freed four millions of human beings from the degrading condition of slaves and chattels, and caused them to stand erect, free in all the attributes of manhood. That one act alone of Abraham Lincoln is enough to enshrine his memory in the breast of every freeman, of every lover of human liberty the world over. Such a man is deserving of a National Monument and the grateful thanks of a redeemed and regenerated nation. The State of Nevada was admitted into the sisterhood of States at a time when our country was convulsed with war, and during its progress Nevada stood true and unfaltering in her devotion and loyalty to the Federal Government. And now as a tribute to the memory of that good and great man, who died a martyr to our country, Nevada cheerfully heads the list of States in aiding the construction of the proposed monument.

In furtherance of this end your Committee would recommend the appropriation by the Legislature of the sum of three hundred dollars, and would suggest to the several members of the Legislature the propriety of donating as much as they may feel disposed towards this laudable and patriotic undertaking.

JOHN WELCH,  
Chairman.

*Mr. Speaker :*

Your Committee, to whom was referred Senate Bill No. 16, entitled "An Act to confer upon Curtis H. Lindley, a minor, the Powers, Privileges, and Responsibilities of an Adult," report the same back, recommending the following amendment: After the word "years," in the fourth line of Section 1, insert the words "except in relation to the sale of real estate," and recommend its passage as amended.

C. J. HILLYER,  
Chairman Judiciary Committee.

*Mr. Speaker :*

Your Standing Committee on Federal Relations, to whom was referred Assembly Bill No. 26, entitled "An Act to repeal all Acts, or parts of Acts, so far as they conflict with an Act of Congress entitled 'An Act to protect all Persons in the United States in their Civil Rights, and furnish the means of their vindication,' passed April 9th, 1866," have had the same under consideration, and directed their Chairman to report the same back to the House, and recommend its passage.

Your Committee would further state that in their opinion the passage of this bill is eminently just and proper, inasmuch as no State should have on its statutes a law which contravenes or nullifies a law of Congress. The idea of preventing a person from the benefit of the civil rights of the country in which he may reside is repugnant to all our ideas of free government, of justice and humanity, especially so is such exceptional discrimination repugnant to the American idea of liberty and justice, which seeks rather to build up, to elevate and ameliorate the condition of mankind, than to pull down and degrade any of our fellow beings. In any constitutional Government, where the least semblance of liberty has found a home, there the lowliest of its citizens should be protected, and his rights vindicated equally with the rich and powerful of the land. By so doing, disaffection will be abated, conspiracies and treason will be things of the past, and the Republic grow strong in the affection of a united, happy people. A consummation which can be brought about only by meting out "equal and exact justice to all, favoritism to none."

JOHN WELCH,  
Chairman.

## REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee, composed of the Ormsby County delegation, to whom was referred Assembly Bill No. 45, entitled "An Act to amend an Act to amend Chapter 113 of the Statutes of 1866," report that we have had the above bill under consideration, and report back to the House and recommend its passage.

S. C. WRIGHT,  
W. H. CORBETT.

## RESOLUTIONS.

By Mr. King :

*Resolved*, That the Chief Clerk be requested to forward to the Secretary of State a copy of all resolutions that have passed or may pass this House, asking for papers on file in his office, in order that the same may be filed as vouchers for said papers.

Adopted.

By Mr. Potter :

*Resolved*, That the number of copies of bills ordered printed shall be two hundred and forty, (240) unless otherwise ordered.

Laid over one day under rule.

By Mr. Woodworth :

*Resolved*, That when we adjourn to-day we adjourn until Monday, January 25th, 1869, at the usual hour.

Adopted.

By Mr. Mayhugh :

*Resolved*, That the Committee of Ways and Means be and they are hereby instructed and required to inquire into and report to the House, at an early day, as to the present financial condition of the State, and also as to the expediency of procuring a loan of one hundred thousand dollars for the purpose of defraying the present accruing expenses of the State Government.

Adopted.

## MESSAGES FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 21st, 1869. }

*To the Hon. the Assembly :*

I have the honor to herewith transmit for the consideration of your honorable body Senate Bill No. 4, "An Act to establish the Financial Transactions of the State upon a Coin Basis."

Also, Senate Bill No. 15, "An Act to create Legislative Funds."

The above bills having this day passed the Senate.

I also have the honor to transmit for the consideration of your honorable body Senate Concurrent Resolution No. 43, relative to printing 1,500 copies of the Report of the State Mineralogist, the same having passed the Senate this day.

I also am directed to inform your honorable body that Assembly amendment to Senate Concurrent Resolution No. 40, relative to printing Report of State Controller and State Treasurer, has this day been concurred in by the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Secretary of Senate.

Senate Bill No. 4, as per message, entitled "An Act to establish the Financial Condition of the State upon a Coin Basis."

Read first time; rules suspended; read second time by title, and placed on file.

Senate Bill No. 15, as per message, entitled "An Act to create Legislative Funds."

Read first time; rules suspended; read second time by title, and referred to Committee on Ways and Means.

Senate Concurrent Resolution No. 43, as per message, relative to printing 1,500 copies of the Report of the State Mineralogist.

Read first time; rules suspended; read second time by title, and referred to Committee on Ways and Means.

#### NOTICES.

Mr. Welch gave notice that he would, on some future day, introduce a bill entitled "An Act to appropriate the sum of Three Hundred Dollars towards the Erection of the National Lincoln Monument."

Mr. Shakspeare gave notice that he would, on some future day, introduce a Preamble and Concurrent Resolution relative to the election of a Board of Regents.

Also, gave notice that he would, on some future day, introduce a bill entitled "An Act to amend an Act entitled 'An Act concerning District Attorneys,' approved March 11th, 1865."

Also, gave notice that he would, on some future day, introduce a bill entitled "An Act providing for the Compiling of the Laws of this State and Publishing the same in one volume."

Also, a bill entitled "An Act prescribing the duties of the Board of Regents."

On motion of Mr. Hillyer, Senate Bill No. 4, "An Act to establish the Financial Transactions of the State upon a Coin Basis," was taken from file and referred to the Judiciary Committee.

On motion of Mr. Shakspeare, Assembly Bill No. 41, "An Act to amend an Act in relation to District Attorneys," was taken from the hands of the Judiciary Committee and returned to its author.

Mr. Shakspeare, pursuant to a notice, introduced Assembly Bill No. 48, entitled "An Act to amend an Act concerning District Attorneys, approved March 11th, 1868," [1865.]

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Hillyer, pursuant to notice, introduced proposed Amendment No. 13 to strike out the word "white" wherever it occurs in the Constitution of the State of Nevada.

Laid on the table.



Also, introduced proposed Amendment No. 14 to strike out the word "male" wherever it occurs in the Constitution of the State of Nevada.

Laid on the table.

Mr. Shakspeare introduced Assembly Concurrent Resolution No. 15, relative to election of a Board of Regents.

Read first time; rules suspended; read second time by title, and referred to Committee on State Institutions.

COMMUNICATION FROM SECRETARY OF STATE.

STATE OF NEVADA, OFFICE OF SECRETARY OF STATE, }  
Carson City, January 21st, 1869.

*To the Assembly of Nevada:*

GENTLEMEN—I have the honor to transmit herewith the following demands against the State for your consideration, viz:

Claim of Juan D. Ybaseta for \$80, for services as night watchman for the Assembly Chamber, Special Session, 1867. This claim was disapproved, for the reason that the services are not deemed to be necessary incidental expenses, from which action of the Board an appeal was taken June 4th, 1867.

Claim of W. G. Gates, based upon two pieces of scrip issued by the Sergeant-at-Arms of the Assembly, Special Session, 1867. This claim was disapproved for the following reasons:

First—That Scrip No. 76, for \$100, is, in the opinion of the Board, issued for extra services as Copying Clerk of the Assembly, and for the payment thereof there is no authority of law.

Second—Scrip No. 502, issued for \$80, appears to be a gratuity, not specifying for what services the same was drawn. From which action Mr. Gates takes appeal to the Legislature. Notice of appeal filed April 6th, 1868.

Very respectfully,

C. N. NOTEWARE,  
Secretary of the Board of Examiners.

The above claims, as reported by the Secretary of State, was referred to the Committee on Claims.

STATE OF NEVADA, OFFICE OF SECRETARY OF STATE, }  
Carson City, January 21st, 1869.

*To the Assembly of Nevada:*

GENTLEMEN—In compliance with a resolution originating in the Senate and this day concurred in by your Hon. body, I have the honor to transmit herewith certain bills which originated in the Assembly at the last regular session, passed both branches of the Legislature, were presented to the Governor within five days of the final adjournment of the session, and which the Executive was prevented from returning to the House in whence they originated by said final adjournment, as follows: Nos. 164 and 126, together with the Governor's objections thereto.

These bills, together with one other, No. 77, entitled "An Act to provide for the Payment of certain Indebtedness due certain Parties from the City of Virginia," were deposited in this office, together with the objections of the Governor thereto, within ten days after the final adjournment of the last regular session, and in accordance with the provisions of Section 35, Article IV, of the Constitution of this State, were by me, to wit, on the 21st day of March, A.D. 1867, trans-

mitted with the objections of the Governor to the Assembly of Nevada, the Legislature being again in session, and upon reconsideration of the same, the question being: "Shall the bill pass, notwithstanding the objections of the Governor?" Bills Nos. 126 and 164 having failed to receive the vote of two-thirds of all the members elected to both branches of the Legislature in the affirmative, failed to become laws, and were returned to this office at the close of the session with other legislative papers.

Bill No. 77, above referred to, upon reconsideration having received two-thirds of the votes of all the members elected to both branches of the Legislature, notwithstanding the objections of the Governor, as per indorsement thereon, was deposited in this office as a law, which I am compelled by the provisions of an Act defining the duties of the Secretary of State to "carefully keep and preserve" in this office.

Construing your resolution to desire the transmission to each House of such bills as originated therein, I have transmitted to the Senate such as originated in that body.

Very respectfully,

C. N. NOTEWARE,  
Secretary of State.

Bills, as per communication, were referred to the Judiciary Committee.

On motion of Mr. Potter, at 15 minutes to 12 A.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

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## TWENTY-SECOND DAY.

MONDAY, January 25th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. Welch.

Prayer by the Rev. Mr. Fraser.

Journal read and approved.

Mr. Lammon asked leave of absence for Mr. Welch for one day.

Leave granted.

Mr. Woodworth presented Petition No. 7, from citizens of Paradise Valley, Humboldt County.

Read and referred to Committee on Agriculture.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill with the engrossed copy as

passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval, viz :

Assembly Bill No. 7, "An Act for the Relief of C. S. Varien."

Also, Assembly Concurrent Resolution No. 3, relating to mail service from Belmont to Aurora, and have delivered the same to the Secretary of State.

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

Your Standing Committee, to whom was referred Senate Bill No. 15, entitled "An Act to create Legislative Funds," have had the same under consideration, and report the same back and its passage recommend.

Also, Assembly Bill No. 32, entitled "An Act in relation to Fees and Percentage of District or Prosecuting Attorneys in Suits for the Collection of Delinquent Taxes," have had the same under consideration, and beg leave to report the same back to the House without recommendation.

THOS. J. TENNANT,  
Chairman Committee on Ways and Means.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully examined and compared with the original copies the following named bills, and have found the same correctly engrossed, to wit :

Assembly Bill No. 25, "An Act to amend Section 7, of an Act entitled 'An Act to repeal an Act entitled 'An Act authorizing the Corporation of the Town of Aurora to the City of Aurora,' approved February 9, 1864, and to provide for the Indebtedness thereof,' approved February 17, 1866."

Assembly Bill No. 13, "An Act to amend 'An Act to create a Board of County Commissioners in the several Counties of this State and to define their Duties and Powers,' approved March 8, 1865."

Assembly Bill No. 34, "An Act in relation to Changing the Names of Individuals."

All of which is respectfully submitted.

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Committee to whom was referred Senate Bill No. 4, entitled "An Act to establish the Financial Condition of the State upon a Coin Basis," report the same back with the recommendation that it pass.

Also, Senate Bill No. 24, entitled "An Act to amend an Act entitled 'An Act to provide for the Publication of the Decisions of the Supreme Court of the State of Nevada ;' " report the same back, recommending its passage.

C. J. HILLYER,  
Chairman Judiciary Committee.

On motion of Mr. Bowman, Assembly Bill relating to District Attorneys, made Special Order for Thursday, January 28, 1869, at 12 m.

#### RESOLUTIONS.

By Mr. Tennant:

*Resolved,* That the Committee on Ways and Means be requested to examine into the propriety of issuing interest-bearing warrants upon the Legislative Fund

to defray the expenses of this Legislative session, and to report a bill for that purpose, if by them deemed expedient.

Adopted.

MESSAGE FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 22d, 1869. }

*To the Hon. Assembly:*

I have the honor to herewith transmit, for the consideration of your honorable body, Senate Concurrent Resolution No. 48, relative to printing seven hundred and fifty copies of the Biennial Report of the Warden of the State Prison.

Also, Senate Concurrent Resolution No. 49, relative to granting leave of absence to Robert McBeth, County Commissioner, and J. D. Minor, County Clerk, of Humboldt County, respectively, for the period of six months.

Also, Senate Bill No. 10, "An Act to amend an Act entitled 'An Act to provide for the formation of Corporations for certain purposes,' approved March 10, 1865."

All of which passed the Senate this day.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y of Senate.

Senate Concurrent Resolution No. 48, relative to printing Report of Warden of the State Prison.

Read and placed on file.

Senate Concurrent Resolution No. 49, relative to granting leave of absence to Robert McBeth, County Commissioner, and J. D. Minor, County Clerk, of Humboldt County, respectively, for six months.

Read and placed on file.

Senate Bill No. 10, entitled "An Act to amend an Act entitled 'An Act to provide for the formation of Corporations for certain purposes,' approved March 10, 1865."

Read first time; rules suspended; read second time by title, and referred to Committee on Corporations.

Mr. Anderson, pursuant to notice, introduced Assembly Bill No. 50, entitled "An Act to incorporate the Town of Gold Hill."

Read first time; rules suspended; read second time by title, and referred to the Gold Hill portion of the Storey County delegation.

Mr. Moulton, pursuant to notice, introduced Assembly Bill No. 51, entitled "An Act for the apportionment of Senators and Assemblymen in the different Counties of this State."

Read first time; rules suspended; read second time by title, and referred to a Select Committee, to consist of two members from Storey County and one from each of the other counties in the State.

THIRD READING OF BILLS.

Assembly Bill No. 25, entitled "An Act to amend Section 7 of an Act entitled 'An Act to repeal an Act entitled "An Act authorizing the Corporation of the

Town of Aurora to the City of Aurora," approved February 9, 1864, and to provide for the Payment of the Indebtedness thereof,' approved February 17, 1866."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moody Moulton, Potter, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Mr. Speaker—34.

Assembly Bill No. 34, entitled "An Act in relation to Changing the Names of Individuals."

Read third time.

The bill, on motion, was referred to a Special Committee of One, with instructions to insert after the word "circulation" and before the word "for," in Section 2, the words "in the county."

The Committee reported the bill back to the House amended as per instructions.

Amendment adopted and bill passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Mr. Speaker—35.

Assembly Bill No. 13, entitled "An Act to amend an Act entitled 'An Act to create a Board of County Commissioners in the several Counties of this State, and define their Duties and Powers.'"

Read third time, and, on motion, referred to Special Committee of One, with instructions to strike out Section "3" and insert "17."

The Committee reported the bill back to the House, amended as per instructions.

Special Order for 12 M. postponed, temporarily.

On motion of Mr. Corbett, the House resolved itself into the Committee of the Whole—Mr. Hillyer in the chair—for the consideration of the bill.

In time the Committee rose and reported the bill back to the House amended, and recommended its passage as amended.

Report adopted and Committee discharged.

On motion, Mr. Mayhugh was appointed a Special Committee of One, with instructions to amend the bill as per amendment reported from Committee of the Whole.

The Committee reported the bill back to the House, amended as per instructions.

Report received and Committee discharged.

Bill read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Waller, Woodworth, Wright, and Mr. Speaker—34.

NAYS—Messrs. Coburn, Mills, and Tennant—3.

Special Order for 12 m. postponed until after consideration of General File.

On motion of Mr. Mills, Senate Bill No. 4, entitled "An Act to establish the Financial Transactions of the State on a Coin Basis," was taken up.

Read third time.

Mr. Tennant moved to amend by inserting in Section 1, "excepting members of the Legislature."

Laid on the table.

Mr. Cleveland moved to amend by striking out, in Section 1, the words "first day of January, A.D. 1869," and inserting in lieu thereof the words, "passage of this Act."

Also, in Section 4, by striking out the words "first day of January, A.D. 1869," and inserting in lieu thereof the words "passage of this Act."

Laid on the table.

Roll called, and bill passed by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—33.

NAYS—Messrs. Dangberg, Hanson, Moulton, and Small—4.

#### SPECIAL ORDER.

Assembly Bill No. 1, entitled "An Act to create Legislative Funds."

On motion, the House resolved itself into the Committee of the Whole for the consideration of the bill.

Mr. Tennant in the chair.

In time, the Committee rose and reported the bill back to the House amended, and recommended its passage as amended.

Report received, and amendments of Committee adopted.

Mr. Hillyer moved to amend Section 3 by inserting after the word "drawn" and before the word "upon" the words "or directed to be drawn."

Adopted, and bill ordered engrossed.

Mr. Small, by leave, introduced the following resolution :

*Resolved*, That the use of this Assembly Chamber be and the same is hereby tendered to the members of the Third House on Thursday evening next, for its opening session.

Adopted.

On motion of Mr. Tennant, at 1:30 o'clock P.M. the House took a recess for one hour.

In session—2:30 minutes P.M.  
Quorum present.

Mr. Speaker announced as Special Committee on Assembly Bill No. 51, entitled "An Act for the Apportionment of Senators and Assemblymen in the different Counties of this State":

Mr. Bowman.....	Nye
Mr. Hillyer.....	Storey
Mr. Burlingame.....	Storey
Mr. Moulton.....	Washoe
Mr. Rule.....	Humboldt
Mr. Tennant.....	Lander
Mr. Wright.....	Ormsby
Mr. Mayhugh.....	Esmeralda
Mr. Small.....	Douglas
Mr. King.....	Lyon
Mr. Waller.....	Churchill
Mr. Randall.....	Lincoln

Assembly Bill No. 35, entitled "An Act to amend Section 44 of an Act entitled 'An Act to provide for Organizing and Disciplining the Militia of the State,' approved March 4th, 1865."

Ordered engrossed.

Senate Bill No. 16, entitled "An Act to confer upon Curtis H. Lindley, a minor, the Powers, Privileges and Responsibilities of an Adult."

Mr. Hillyer offered the following amendment: to insert after the word "years" in the fourth line of Section 1 and before the word "are," same line and section, the words "except in relation to the sale of real estate."

Amendment adopted.

Bill read third time and passed:

YEAS—Messrs. Anderson, Bowman, Barney, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—34.

Assembly Bill No. 45, entitled "An Act to amend an Act entitled 'An Act to amend Chapter 113 of the Statutes of 1866, entitled 'An Act to consolidate and pay certain Indebtedness of the County of Ormsby,' approved March 12th, 1866,' approved March 4th, 1867."

Ordered engrossed.

Assembly Bill No. 26, entitled "An Act to repeal all Acts or parts of Acts so far as they conflict with an Act of Congress entitled 'An Act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,' passed April 9th, 1866."

Referred to the Judiciary Committee.

Senate Concurrent Resolution No. 43, relative to printing 1,500 copies of the report of the State Mineralogist.

Passed unanimously.

Senate Bill No. 18, entitled "An Act to create a Legislative Fund."  
On motion of Mr. Tennant, laid on table.

Senate Bill No. 24, entitled "An Act to amend an Act entitled 'An Act to provide for the Publication of the Decisions of the Supreme Court of the State of Nevada.'"

Bill read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—36.

Mr. Bowman moved to take up the resolution in regard to Official Reporter from the table.

Carried.

Resolution read, and motion to adopt lost.

#### UNFINISHED BUSINESS.

Resolution of Mr. Potter, that the number of copies of bills printed be 240, unless otherwise ordered.

Mr. Potter moved to adopt the resolution.

Upon which the ayes and nays were called for by Messrs. Potter, Corbett, and Burlingame:

YEAS—Messrs. Anderson, Bunker, Burson, Burlingame, Cleveland, Corbett, Dangberg, Ford, Hanson, Moody, Woodworth, and Mr. Speaker—12.

NAYS—Messrs. Bowman, Brown, Clark, Coburn, Davis, Doolin, Gray, Hanford, Hillyer, King, Lammon, Mills, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, and Wright—23.

Mr. Potter gave notice that he would on to-morrow move to reconsider the vote by which the resolution was lost.

On motion, the Rules were suspended, and Senate Concurrent Resolution No. 48, relative to printing 750 copies of the Warden's Biennial Report of the State Prison, was taken up, and on motion of Mr. Hillyer, the resolution was amended to read 1,000 instead of 750 copies, and passed unanimously.

On motion of Mr. Cleveland, at 3:15 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Clerk.

Attest—A. WHITFORD,  
Clerk.



# TWENTY-THIRD DAY.

TUESDAY, January 26th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Fraser.

Journal read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Claims, to whom was referred claim of W. G. Gates, for \$180, scrip, and Juan D. Ybesata, for \$80, scrip, for extra services, issued by resolution at the last session of the Assembly on the Contingent Fund of the same, have had the same under consideration and directed their Chairman to report the same back without recommendation.

S. C. WRIGHT,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on State Institutions, to whom was referred Assembly Concurrent Resolution No. 15, relative to the election of a Board of Regents, have had the same under consideration, come to a favorable conclusion thereon, and have directed their Chairman to report the same back, and recommend its passage.

S. A. MOULTON,  
Chairman.

## RESOLUTIONS.

Mr. Tennant, pursuant to notice, introduced Assembly Concurrent Resolution No. 19, relative to Hon. David E. Buel, late Commissioner from Nevada to the Paris Exposition of 1867.

Read and passed unanimously.

By Mr. Doolin :

*Resolved,* That the Speaker be and he is hereby requested to appoint a Special Committee of Five on Constitutional Amendments.

Adopted.

## MESSAGE FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 25th, 1869. }

*To the Hon. the Assembly :*

I have the honor to herewith transmit for the consideration of your honorable body Senate Bill No. 25, "An Act to amend Section 66 of an Act entitled 'An Act concerning Conveyances,' approved November 6th, 1861," the same having passed the Senate this day.

I also return to your honorable body Assembly Bill No. 23, "An Act to repeal an Act entitled 'An Act to encourage the Construction of a Telegraph Line to Unionville and Star City,' approved February 9th, 1864."

Also, Assembly Bill No. 10, "An Act to create a Board of Commissioners to examine and report upon the Amount of just Claims existing and for Losses sustained by Indian Depredations in Humboldt County."

The above bills having passed the Senate this day without amendment.

Respectfully,

JOHN WASSON,  
Secretary of the Senate.

Senate Bill No. 25, entitled "An Act to amend Section 66 of an Act entitled 'An Act concerning Conveyances,' approved November 6th, 1861."

Read first time; rules suspended; read second time by title, and referred to Committee on Agriculture.

#### NOTICES.

Mr. Tennant gave notice that he would, on some future day, introduce a bill entitled "An Act to incorporate the Town of Shermantown."

Mr. Davis gave notice that he would, on some future day, ask leave to introduce a bill entitled "An Act to amend an Act entitled 'An Act to provide for the Registration of the Names of Electors, and for the Ascertainment by Proper Proofs of the Persons who shall be entitled to the Right of Suffrage,' approved February 24th, A.D. 1866."

Mr. Lammon gave notice that he would, on some future day, introduce a bill entitled "An Act to fund the Debt of the City of Virginia, Storey County."

Mr. Speaker announced as Committee on Constitutional Amendments: Wm. Doolin, J. D. Coburn, C. J. Hillyer, J. S. Mayhugh, J. Woodworth.

Mr. Lammon, by leave, introduced Assembly Bill No. 53, entitled "An Act to incorporate the Town of Treasure City."

Rules suspended; read first time; rules further suspended; read second time by title.

Mr. Lammon moved to refer the bill to the Lander County delegation.

Mr. Mayhugh moved as a substitute that the bill be referred to the Committee on Public Morals.

Lost.

Mr. Tennant moved to lay the bill on the table.

Upon which the ayes and nays were called for by Messrs. Mayhugh, Woodworth, and Tennant, and motion lost by the following vote:

YEAS—Messrs. Anderson, Barney, Burlingame, Coburn, Dangberg, Hanson, Mills, Moody, Rule, Tennant, and Wright—11.

NAYS—Messrs. Bowman, Brown, Bunker, Burson, Clark, Cleveland, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Moul-

ton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, and Mr. Speaker—28.

Mr. Woodworth moved that the bill be referred to the Committee on Corporations.

Carried.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully compared the engrossed copy with the original bill, and have found the same correctly engrossed, to wit :

Assembly Bill No. 1, entitled "An Act to create Legislative Funds."

JOHN S. MAYHUGH,  
Chairman.

#### THIRD READING OF BILLS.

Assembly Bill No. 1, entitled "An Act to create Legislative Funds."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—38.

Assembly Concurrent Resolution No. 15, relative to the election of a Board of Regents.

Ordered engrossed.

Claims of W. G. Gates and Juan D. Ybesata reported from Committee on Claims without recommendation.

Laid on the table temporarily.

Senate Concurrent Resolution No. 49, as per message, relative to granting leave of absence to Robert McBeth, County Commissioner, and J. D. Minor, County Clerk of Humboldt County, respectively, for the period of six months.

Read and referred to the Humboldt County delegation.

Mr. Potter, pursuant to notice, moved to reconsider the vote by which resolution, relative to having 240 copies of bills printed, was lost on yesterday.

Carried, and resolution adopted.

On motion of Mr. Wright, at 12:5 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

# TWENTY-FOURTH DAY.

WEDNESDAY, January 27th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called, all present.

Prayer by the Rev. Mr. Hammond.

Journal read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Ways and Means to whom was referred Assembly Bill No. 39, entitled "An Act to amend an Act entitled 'An Act to Provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865," have had the same under consideration, and report the same back, and recommend its passage.

THOS. J. TENNANT,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill, with the engrossed copy as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval, viz : Assembly Bill No. 23, "An Act to repeal an Act entitled 'An Act to encourage the Construction of a Telegraph line to Unionville and Star City,' approved Feb. 9, 1864."

C. D. KING,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully examined and compared the following named Assembly Bills with the originals, and have found them correctly engrossed, to wit : Assembly Bill No. 44, "An Act to amend an Act entitled 'An Act to amend Chapter 113 of the Statutes of 1866,' entitled 'An Act to consolidate and pay certain indebtedness of the County of Ormsby, approved March 12th, 1866,' approved March 4th, 1867."

Also, Assembly Bill No. 35, "An Act to amend Section 44 of an Act to provide for Organizing and Disciplining the Militia of the State, approved March 4th, 1865."

Also, Assembly Bill No. 4, "An Act to provide for the payment of the indebtedness of Esmeralda County."

Also, Assembly Bill No. 20, "An Act prescribing Rules and Regulations for the Execution of the Trust arising under the Act of Congress, 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands,' approved March 2d, 1867."

Also, Assembly Concurrent Resolution No. 15, Relative to the Election of a Board of Regents.

Also, Assembly Concurrent Resolution No. 12, relative to the Sheriff of Lander County.

Also, Substitute for Assembly Bill No. 21, "An Act to amend an Act entitled 'An Act concerning Official Bonds,' approved March 14th, 1865."

All of which is respectfully submitted.

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Agriculture to whom was referred Senate Bill No. 25, "An Act to amend Section 66 of an Act entitled 'An Act Concerning Conveyances,' approved November 5th, 1861, have had the same under consideration, have come to a favorable conclusion thereon, and beg leave to report the same back to the House without amendment and recommend its passage.

R. H. SCOTT,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Public Morals to whom was referred Assembly Bill No. 14, entitled "An Act to repeal an Act entitled 'An Act to prohibit carrying Concealed Weapons,' approved February 27th, 1867," beg leave to report that they have had the same under consideration, and offer the accompanying substitute, the passage of which is earnestly recommended. The end sought to be reached is obvious. That the Act passed by the former Legislature does not meet with the proper regard that the solemn Act of a Legislative branch of Government should, is patent, owing to our peculiar locality and situation, in the minds of your Committee. The passage of the Act they propose cannot but operate in a salutary manner upon our morals, both social and political, and will, we feel assured, meet the approbation of all order-loving citizens.

W. D. GRAY,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Special Committee, comprising the Humboldt County delegation, to whom was referred Senate Concurrent Resolution No. 49, with instructions to amend, have complied therewith, report the same back to the House, and recommend that it do pass as amended.

J. M. WOODWORTH,  
Chairman.

On motion of Mr. Hillyer, the two amendments to the Constitution were taken from the table, and on motion referred to Special Committee on Constitutional Amendments.

Mr. Bowman was granted leave to withdraw Assembly Bill No. 30, entitled "An Act for the Relief of Jonathan Williams," from the hands of the Committee.

## NOTICES.

Mr. Tennant gave notice that he would on some future day introduce a bill entitled "An Act to extend the time for the Collection of Taxes."

Mr. Shimmin gave notice that he would on some future day introduce a preamble and resolution in relation to the Indian Reservation situated in Esmeralda County.

Mr. Davis, pursuant to notice, introduced Assembly Bill No. 54, entitled "An Act to provide for the Registration of Names of Electors, and for the ascertainment by proper proofs of the Persons who shall be entitled to the Right of Suffrage."

Read first time ; rules suspended ; read second time by title ; ordered printed, and referred to Committee on Elections.

Mr. Barney, by leave, introduced Assembly Bill No. 55, entitled "An Act to Create the office of State Inspector of Boilers."

Read first time ; rules suspended ; read second time by title, and referred to the Committee on Trade and Manufactures, and ordered printed.

## THIRD READING OF BILLS.

Assembly Bill No. 35, entitled "An Act to amend Section 44 of an Act entitled 'An Act to provide for Organizing and Disciplining the Militia of the State,' approved March 4th, 1865."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, and Woodworth—33.

Assembly Bill No. 45, entitled "An Act to amend an Act entitled 'An Act to amend Chapter 113 of the Statutes of 1866, entitled "An Act to Consolidate and pay certain Indebtedness of the County of Ormsby," approved March 12th, 1866,' approved March 4th, 1867."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burlingame, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, and Woodworth—28.

Assembly Bill No. 4, entitled "An Act to provide for the Payment of the Indebtedness of Esmeralda County."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moody, Moulton,

Potter, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, and Wright—35.

Assembly Bill No. 20, entitled "An Act prescribing rules and regulations for the Executions of Trust arising under the Act of Congress, 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands,' approved March 2d, 1867."

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—38.

Assembly Concurrent Resolution No. 15, relative to the Election of a Board of Regents.

Read third time, and on motion laid on the table temporarily.

#### MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, January 26th, 1869. }

*To the Hon. Assembly of Nevada:*

I have this day approved Assembly Bill No. 7, entitled "An Act for the Relief of C. S. Varien."

H. G. BLASDEL,  
Governor.

Assembly Concurrent Resolution No. 12, relative to Sheriff of Lander County.

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Waller, Welch, and Mr. Speaker—32.

Mr. Potter moved to adjourn.

Lost.

Substitute Assembly Bill No. 21, entitled "An Act to amend an Act entitled 'An Act concerning Official Bonds.'"

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Welch, and Mr. Speaker—32.

NAYS—Mr. Waller—1.

Senate Concurrent Resolution No. 49, relative to granting leave of absence to Robert McBeth, County Commissioner, and J. D. Minor, County Clerk of Humboldt County, respectively, for a period of six months.

Amendment of Committee adopted; resolution, as amended, read and passed.

Assembly Bill No. 39, entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865."

Ordered engrossed.

Senate Bill No. 25, entitled "An Act to amend Section 66 of an Act entitled 'An Act concerning Conveyances,' approved March 6th, 1861."

Read third time and passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanson, Hillyer, Lammon, Mills, Moody, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Waller, Woodworth, and Mr. Speaker—29.

NAYS—Messrs. Moulton and Welch—2.

Mr. Bowman moved to adjourn.

Lost.

Substitute Assembly Bill No. 14, entitled "An Act to prohibit the Carrying Concealed Weapons."

Read, pending which,

On motion of Mr. Mayhugh, at 12:30 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

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## TWENTY-FIFTH DAY.

THURSDAY, January 28th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Hammond.

Journal read and approved.

Mr. Speaker, by request, announced that he had substituted Mr. Anderson in place of Mr. Woodworth on Committee on Engrossment.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to whom was referred the communication from the Secretary of State relative to certain bills passed at the last session of the



Legislature, report the same back, recommending the indefinite postponement of the whole subject matter.

Also, Assembly Bill No. 43, entitled "An Act to amend an Act entitled 'An Act concerning District Attorneys,' approved March 11th, 1865," report the same back, recommending its re-reference to the Esmeralda delegation.

Also, Assembly Bill No. 26, entitled "An Act to repeal all Acts and parts of Acts, so far as they conflict with an Act of Congress entitled 'An Act to protect all Persons in the United States in their Civil Rights, and furnish the means of their vindication,' passed April 9th, 1866," report the same back and recommend that the same do not pass, for the reason that an Act of the general character proposed would be entirely ineffectual, in the opinion of the Committee, to accomplish the object sought. The only way to reach this object under the provision of Section 17, Article IV, of our Constitution, is by a special amendment of the sections or parts of laws proposed to be revised.

C. J. HILLYER,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill with the engrossed copy as passed by the two Houses and found the same correctly enrolled, and have this day presented the same to the Governor for his approval, viz :

Assembly Bill No. 22, "An Act to authorize the Commissioners of Storey County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Three Hundred Thousand Dollars, and to provide for the payment of the same."

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Corporations, to whom was referred Senate Bill No. 10, entitled "An Act to amend an Act entitled 'An Act to provide for the Formation of Corporations for certain purposes,' approved May 19th, [March 10] 1865," beg leave to report that they have had the same under consideration, have come to a favorable conclusion thereon, and recommend its passage.

GEO. I. LAMMON,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee, to whom was referred Assembly Bill No. 51, "An Act for the Apportionment of Senators and Assemblymen in the different Counties in this State," have had the same under consideration and directed their Chairman to report the same back to the House and recommend that it be indefinitely postponed.

JOHN BOWMAN,  
Chairman.

#### RESOLUTIONS.

On motion of Mr. Mayhugh, Assembly Concurrent Resolution No. 15, relative to a Board of Regents, was taken from the table and re-referred to Mr. Shakspeare.

Mr. Hillyer introduced Assembly Concurrent Resolution No. 20, in relation to the formation of new counties.

Resolution read, and, on motion of Mr. Tennant, made the special order for Monday, February 1st, 1869, at 12 m.

Mr. Tennant, from Committee on Ways and Means, made a verbal report in relation to the financial condition of the State.

Substitute Assembly Bill No. 14, entitled "An Act to prohibit the Carrying of Concealed Weapons," with original bill.

Mr. Tennant moved to indefinitely postpone the substitute bill and order the original bill engrossed.

Mr. Adkison moved, as an amendment, to refer the Substitute Bill to the Judiciary Committee, with instructions to amend so as to make the bill more effective.

Pending which, the hour for Special Order for 12 m. having arrived, the House resolved itself into the Committee of the Whole, Mr. Tennant in the chair, for the consideration of Assembly Bill No. 32, entitled "An Act in relation to Fees and Percentage of District or Prosecuting Attorneys in suits for the Collection of Delinquent Taxes."

In time the Committee rose and reported the bill back to the House, recommending its engrossment.

Report adopted, bill ordered engrossed and Committee discharged.

The question recurring upon the motion to re-refer Assembly Bill No. 14, with substitute, to the Judiciary Committee, the motion was carried and bill so referred.

Assembly Bill No. 26, entitled "An Act to repeal all Acts or parts of Acts, so far as they conflict with an Act of Congress, entitled 'An Act to protect all Persons in the United States in their Civil Rights, and furnish means of their vindication,' passed April 9th, 1866."

Motion to engross lost.

Senate Bill No. 10, entitled "An Act to amend an Act entitled 'An Act to provide for the Formation of Corporations for certain purposes,' approved March 10th, 1865."

Passed on file.

Assembly Bill No. 51, entitled "An Act for the Apportionment of Senators and Assemblymen in the different Counties of the State."

On motion, returned to its author.

The Clerk was instructed to allow Mr. Mayhugh possession of Senate Bill No. 10.

On motion of Mr. Potter, at 12:25 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## TWENTY-SIXTH DAY.

FRIDAY, January 29th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Gleeson.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 4, in relation to the calling of a Constitutional Convention for the revision of our State Constitution, have had the same under consideration and directed their Chairman to report the same back to the House and recommend its passage, for the following reasons :

It seems to be a conclusion almost general with every person who has given the subject a passing consideration that our present State Constitution is glaringly defective in many respects ; and the better to meet the wants and necessities of the people, we consider that a Constitutional Convention at this time is eminently proper and will be conducive to the general good and prosperity of the State at large. That it will entail considerable expense to the State we are well aware, but that expense, we are confident, will be cheerfully borne in order to frame a Constitution for our State more in consonance to and in harmony with the feelings and requirements of the people. The propriety of legislative amendments, to be submitted to the people, we deem to be unwise, for the reason that various amendments might be submitted, complex in their nature and fraught with difficulty and perplexity, for the people to decide on, and would probably result in our having a more unsuitable instrument to meet the wants of the people than the one which we are at present living under.

The amendments which suggest themselves to your Committee as proper are so many that we deem an enumeration of them useless, as they have already been pretty well discussed by the press of the State ; among them, however, we would mention that of regulating the right of suffrage. While a portion of your Committee believe that Congress has the inherent right to regulate the question of suffrage, as it has the undoubted right to confer citizenship, it follows, in the estimation of a majority of your Committee, that the one (the right of suffrage) should, as a natural consequence, follow the act of citizenship.

The Constitution makes it obligatory on the National Congress to see that each State shall have a government republican in form, and under the theory that each State has the right to regulate the question of suffrage for themselves, we cannot see how Congress could carry out this plain and positive intent and meaning of the Constitution.

Nevertheless, until such a construction is admitted and prevails, and in the absence of any constitutional amendment which would prevent any State from restricting the rights of any citizens of the United States, (except as punishment for crimes) we think it would be well to submit the question of suffrage to the people of the State to be by them passed upon.

Your Committee perceives that a Select Committee on Constitutional Amendments has been appointed in the House. Whatever amendments the Legislature may see fit to adopt can be submitted to the people at the same time that the question of calling a Constitutional Convention is submitted.

If the people, in their wisdom, think that the proposed amendments cover all the grounds that the public necessities require, then they will vote down the proposition for a Convention. If not, they will vote down the amendments, and, if they think proper, will vote for a Convention. In the opinion of your Committee, both propositions should be acted upon by this Legislature, so that the people may at the next election decide for themselves the propriety of adopting either the proposed amendments to the Constitution or calling a Convention for the revision of that instrument.

All of which is respectfully submitted.

JOHN WELCH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill with the engrossed copy, as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval, viz: Assembly Bill No. 12, "An Act to transfer certain moneys in the Indigent Sick Fund of Esmeralda County to the Redemption and Treasurer's Salary Fund of said County."

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

Your Committee on State Institutions, to whom was referred Assembly Bill No. 36, entitled "An Act to provide for the Erection of a State Capitol," have had the same under consideration, and beg leave respectfully to submit the following report:

Owing to the great importance of the bill, your Committee have endeavored to obtain such facts and reliable data as they deem valid and worthy your consideration.

The framers of our State Constitution saw proper to engraft therein a provision that "the seat of government shall be at Carson City." That Constitution was voted upon by the people and adopted by almost an unanimous vote. The Capital thus permanently located cannot be removed save by an amendment of the organic law.

Over four years have now passed, and the fourth regular session of the Legislature is now being held since we began a State government, and during that time no effort of any note has been made to change or remove it. Therefore, it is the opinion of your Committee that no great portion of the people desire that it should be changed from its present location.

When we take into consideration the adaptability of any given point and of all points in the State for the location of the Capital, we cannot differ with the framers of the Constitution, who, as we think, wisely gave Carson the preference. It is beautifully and eligibly situated in the middle of one of a succession of fertile valleys, well watered and easy of access at all seasons of the year—more so, perhaps, than any other place of note in Nevada.

It is more dependent upon agriculture and the mechanic arts, and less dependent upon mines and mining for its growth and support than any other place in the State where it has ever been even suggested the Capital might be located. It is the locale of the U. S. Branch Mint, now nearly completed, and soon to be in operation. The State Prison is also located in the immediate vicinity, having

in its inclosure a most excellent quarry of the finest stone for building purposes, which is owned by the State. These facts and circumstances prove that Carson City, so far as relates to stability as a place of importance, its permanency of population, in our opinion, holds pre-eminence over all other points in the State.

The State has been, ever since its organization, paying, and must continue to pay, heavy rents annually for unsuitable buildings and apartments for the use of legislators, Supreme Court and State officials. The money paid annually for rents would aid materially in the erection of a State Capitol building.

This renting should cease at the earliest possible period. If the State is to have a Capitol building, it should be built upon land to which the State has a clear and indisputable title. Nevada owns the lot of land in Carson City on which the bill under consideration provides for the erection of a Capitol. Your Committee believe that such a building as the State needs, and as we understand it is proposed by the bill to have erected, can be completed at this place for one-half, and perhaps for one-third, of what it would cost at any other point.

To demonstrate this fact, we need but allude to facilities of lumber and good and superior building stone, easy to prepare for the builder's use.

That there are now and likely to be twenty-six or more convicts in the prison, nearly all of whom can quarry and cut such stone for the building at a great saving for the State.

Finally, your Committee would add, that in view of the foregoing, and of the fact that other State Institutions must ere long be inaugurated, among them a university, including departments for agriculture, the mechanic arts, mining, and other necessary branches, and that these will most probably be placed near the present seat of Government, we therefore unhesitatingly recommend the passage of the following substitute bill:

S. A. MOULTON,  
Chairman.

Mr. Hillyer, from Judiciary Committee, reported verbally Substitute for Assembly Bill No. 14, entitled "An Act to prohibit the Carrying of Concealed Weapons."

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Special Committee, to whom was referred Assembly Bill No. 50, "An Act to incorporate the Town of Gold Hill," have had the same under consideration, and respectfully beg leave to report the same back and recommend that it do pass with the following amendments:

In the thirteenth line of the eighth section insert the words "for each Ward" immediately after the word "Judges."

In Section 11, fourth line, strike out the word "elect" before the word "shall," and in the seventh line of the same section strike out the word "only" after the word "*residue*."

In Section 16, Article V, substitute for the word "combustible" the word "explosive."

In same Section, Article XVI, fifth line, before the word "greater," insert the words "in any sum."

Same Section, Article XVIII, strike out last word "elect."

In Section 26, nineteenth line, after word "drawn" insert words "and on what fund."

In Section 27, line fourteen, after the word "same" insert words "less the percentage allowed for collection."

ANDERSON,  
Chairman.

## RESOLUTIONS.

By Mr. Mills:

*Resolved*, That a Committee of Three be appointed to ascertain whether the failure of the Minister of the Reorganized Church of Jesus Christ to coöperate with the other resident Ministers of Carson in opening the morning session of this House with prayer, is due to the neglect of the Committee appointed to extend that invitation or to the disinclination of that worthy to comply.

Mr. Mayhugh moved to lay the resolution on the table.

Upon which the ayes and noes were called for by Messrs. Woodworth, Cleveland, and Mayhugh, and motion lost by the following vote:

YEAS—Messrs. Barney, Burlingame, Corbett, Dangberg, Davis, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Shakspeare, Shimmin, Small, Wright, and Mr. Speaker—16.

NAYS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Clark, Cleveland, Coburn, Doolin, Ford, King, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Tennant, Waller, Welch, and Woodworth—23.

Mr. Mayhugh moved that the whole subject matter be indefinitely postponed. Carried, and resolution indefinitely postponed.

## SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 27th, 1869. }

*To the Hon. the Assembly:*

I have the honor to herewith transmit for the consideration of your honorable body Senate Bill No. 60, "An Act to authorize the Commissioners of Lyon County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Seventy-five Thousand Dollars, and to provide for the payment of the same," the same having passed the Senate this day.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, January 28th, 1869. }

*To the Hon. the Assembly:*

I am instructed to inform your honorable body that Senate Concurrent Resolution No. 49, relative to granting leave of absence to Robert McBeth and J. D. Minor, County Commissioner and County Clerk of Humboldt County, respectively, this day returned from the Assembly, as amended by that body, was not accompanied by any Message informing the Senate of their action thereon.

I also have the honor to herewith transmit for your consideration Senate Concurrent Resolution No. 76, relative to granting leave of absence to Committee on State Prison of the Senate and the Committee on State Institutions of the Assembly on Saturday, February 6th, for the purpose of visiting and examining the State Prison.

Also, Senate Concurrent Resolution No. 77, relative to printing 1,000 copies of the report of the State Surveyor General.

The above resolutions having passed the Senate this day.

I also return to your honorable body Assembly Bill No. 1, "An Act to create Legislative Funds," the same having been amended in Sections 1 and 2, as follows: In Section 1, amend after word "sixty," in eighth line, by inserting the word "five." Also, after word "law," in nineteenth line, by the following: "*provided*, said warrants shall bear interest at the rate of fifteen per cent. per annum from date until paid, or advertised for payment, as provided in Section No. 4." Section 2, amend after word "Senate," seventh line, by the following: "said warrants to bear interest at the rate of fifteen per cent. per annum from date until paid, as provided in Section 4 of this Act." And the additions of Sections 4 and 5.

SECTION 4. The State Treasurer shall number and register in the order of presentation, in a book to be provided by him, all the warrants presented to him drawn by the State Controller on the Legislative Fund and Legislative Contingent Funds, and whenever there shall be the sum of five thousand dollars in the hands of the Treasurer, he shall give notice thereof by placing a notice upon a bulletin board in his office, setting forth the fact, and that warrants bearing certain numbers and date shall be presented for payment, and upon presentation will be paid by him, and such warrants so advertised for payment shall cease bearing interest from the date of such notice.

SECTION 5. Nothing contained in this Act shall affect the provisions of an Act entitled "An Act to provide for the Payment of the Salaries of the Judges of the Supreme Court of the State of Nevada," passed February 21st, 1866.

And passed the Senate as amended.

Assembly Concurrent Resolution No. 12, relative to Sheriff of Lander County, the same having passed the Senate this day.

Respectfully,

CHAS. F. BICKNELL,  
Assistant Secretary Senate.

Senate Bill No. 60, as per Message, entitled "An Act to authorize the Commissioners of Lyon County to issue to the Virginia and Truckee Railroad Company Bonds to the Amount of Seventy-five Thousand Dollars, and to provide for the Payment of the same."

Read first time; rules suspended; read second time by title, and referred to Lyon County delegation.

Senate Concurrent Resolution No. 76, as per Message, relative to granting leave of absence to Committee on State Prison of the Senate and Committee on State Institutions of the Assembly on Saturday, February 6th, for the purpose of visiting and examining the State Prison.

Read, and adopted unanimously.

Senate Concurrent Resolution No. 77, relative to printing 1,000 copies of the Report of the State Surveyor General.

Read, and passed unanimously.

Assembly Bill No. 1, entitled "An Act to create Legislative Funds."

Returned from Senate with amendments.

Amendments of Senate concurred in by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmie, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—39.

## NOTICES.

Mr. Corbett gave notice that he would, on some future day, introduce a bill entitled "An Act in relation to the Recordation and Satisfaction of certain Papers and Copies of Process."

Mr. Woodworth, by leave, introduced Assembly Bill No. 57, entitled "An Act for the Benefit of Married Women, in Insuring the Lives of their Husbands."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Wright, by leave, introduced Assembly Bill No. 58, entitled "An Act to amend an Act entitled 'An Act in relation to Public Highways,' approved March 2d, 1867."

Read first time; rules suspended; read second time by title, and referred to the Committee on Internal Improvements.

Mr. Cleveland, by leave, introduced Assembly Bill No. 59, entitled "An Act to amend an Act entitled 'An Act to allow any Person or Persons to divert the Waters of any River or Stream and run the same through any Ditch or Flume, and to provide for the Right of Way through the Lands of Others,' approved March 3d, 1867."

Read first time; rules suspended; read second time by title; ordered printed, and referred to the Committee on Internal Improvements.

On motion of Mr. Mayhugh, Assembly Bill No. 36, entitled "An Act to provide for the Erection of a State Capitol," was made the Special Order for Wednesday, February 3d, 1869, at 12 M.

Mr. Mayhugh moved to adjourn until Monday, February 1st, 1869.

Mr. Hillyer moved to amend, to take a recess for one hour.

Mr. Burlingame moved to adjourn.

Lost.

And motion to take a recess until 1:30 minutes P.M. carried.

In Session—1:30 minutes P.M.

Mr. Speaker in the chair.

Quorum present.

## THIRD READING OF BILLS.

Senate Bill No. 10, entitled "An Act to amend an Act entitled 'An Act to provide for the Foundation of Corporations for certain Purposes,' approved March 10th, 1865."

Mr. Mayhugh offered the following amendments, as per permission of the House on yesterday:

In Section 1, line five, after the word "farming" and before the word "banking" insert the words "and for the location of lands for grazing and timber purposes." Also, amend same section by inserting in last line, after the words "United States," the following proviso, to wit: "*provided*, that nothing in this section that relates to farming, or for the location of lands for grazing or timber purposes, shall be so construed as to authorize a company formed under it to own or hold possession of more than fourteen hundred and forty acres of land, or to authorize an individual member of such company or association, in his corporate capacity, to own, hold, or possess a number of acres to exceed eighty; and pro-



*vided further*, that no corporation formed under the provisions of the said Act of March 10th, 1865, except those formed for agricultural purposes, shall own or hold possession of more real estate than shall be necessary for the prosecution of the business for which it was incorporated."

Amendments adopted.

Bill read third time and passed:

YEAS—Messrs. Barney, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—31.

NAYS—Mr. Potter—1.

*Mr. Speaker:*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill with the engrossed copy, as passed by the two Houses, and found the same correctly enrolled, but have not yet presented the same to the Governor, for the reason that there appears to be a word in the enacting clause not authorized in the Constitution, and would ask for information thereto from the House, viz: Assembly Bill No. 10, "An Act to create a Board of Commissioners to examine and report upon the Amount of just Claims existing and for Losses sustained by Indian Depredations in Humboldt County."

CHAS. D. KING,

Chairman.

Mr. King, Chairman of Enrolling Committee, was instructed to correct the enrolled copy by erasing the word "the" in the enacting clause, the same being a clerical error.

Assembly Concurrent Resolution No. 2, relating to Constitutional Convention. Ordered engrossed.

Substitute for Assembly Bill No. 14, entitled "An Act to prohibit the Carrying of Concealed Weapons."

The House resolved itself into Committee of the Whole for the consideration of the bill.

Mr. Mayhugh in the chair.

In time, the Committee rose and reported the bill back to the House, with amendments, and recommended its engrossment.

In House, report of Committee adopted, and bill ordered engrossed.

Assembly Bill No. 50, entitled "An Act to incorporate the Town of Gold Hill." Amendments of Committee adopted, and bill ordered engrossed.

On motion of Mr. Mayhugh, at 8 minutes to 4 o'clock P.M. the House adjourned until Monday, February 1st, at the usual hour.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

# TWENTY-NINTH DAY.

MONDAY, February 1st, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Hillyer, Hanson, and Wright.

Prayer by the Rev. Mr. Fraser.

Journal of Friday, January 29th, read and approved.

Mr. Brown asked leave of absence for Mr. Hillyer for one day.

Leave granted.

Mr. Corbett asked leave of absence for Messrs. Hanson and Wright for one day.

Leave granted.

The Chairman of the Committee on Public Morals presented Petition No. 8, against the passage of Assembly Bill No. 28, entitled "An Act for the Protection of Labor."

Read and referred to the Judiciary Committee.

## REPORT OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared the following named Assembly Bills with the original copy, and have found them correctly engrossed, to wit :

Assembly Bill No. 39, "An Act to amend an Act entitled 'An Act to provide Revenue for the support of the Government of the State of Nevada,' approved March 9th, 1865."

Also, Assembly Bill No. 32, "An Act in relation to Fees and Percentage of District and Prosecuting Attorneys in Suits for the Collection of Delinquent Taxes."

Also, Assembly Concurrent Resolution No. 2.

Also, Substitute for Assembly Bill No. 14, "An Act to prohibit the carrying of Concealed Weapons."

All of which is respectfully submitted.

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared Assembly Bill No. 1, viz : "An Act to create Legislative Funds," with the engrossed copy as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

Your Special Committee, consisting of the Lyon County delegation, to whom was referred Senate Bill No. 60, "An Act to authorize the Commissioners of Lyon County to issue to the Virginia and Truckee Railroad Company bonds to the amount of Seventy-Five Thousand Dollars, and to provide for the payment of the same," beg leave to report favorably on said bill, and recommend its passage.

CHAS. D. KING,  
THOS. C. FORD,  
J. K. BARNEY,  
Lyon County Delegation.

#### MESSAGES FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, January 30th, 1869.

*To the Hon. Assembly of Nevada :*

I have this day approved Assembly Bill No. 10, entitled "An Act to create a Board of Commissioners to examine and report upon the amount of just claims existing for losses sustained by Indian Depredations in Humboldt County."

Also, Assembly Bill No. 12, entitled "An Act to transfer certain moneys in the Indigent Sick Fund of Esmeralda County to the Redemption and Treasurer's Salary Fund of said County."

H. G. BLASDEL,  
Governor.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, February, 1st, 1869.

*To the Hon. Assembly of Nevada :*

I have this day approved Assembly Bill No. 22, entitled "An Act to authorize the Commissioners of Storey County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Three Hundred Thousand Dollars, and to provide for the payment of the same."

Also, Assembly Bill No. 23, entitled "An Act to repeal an Act entitled 'An Act to encourage the Construction of a Telegraph Line to Unionville and Star City,' approved February 9th, 1864."

H. G. BLASDEL.  
Governor.

#### RESOLUTIONS.

By Mr. Welch :

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to draw his warrant in favor of John S. Mayhugh for the sum of two dollars per day extra pay during the session, as Speaker *pro tem.* of the Assembly, the same to be payable out of the Contingent Fund.

Adopted.

By Mr. Welch :

*Resolved*, That each member of this House donate each one day's per diem to aid in the erection of the National Lincoln Monument, and the Speaker be authorized to collect the same, and when collected hand it over to His Excellency

the Governor, to be by him forwarded to the Trustees of the said Monument Association.

Mr. Burlingame moved as a substitute that the Speaker be constituted a Committee of one to receive donations for the Lincoln Monument, and forward the same to the Trustees of said Monument Association.

Carried.

By Mr. Tennant :

*Resolved*, That a Committee of Three be appointed by the Speaker to wait upon the Attorney General, and request his opinion as to the duty of the Governor to reapportion the Legislative representation in 1870, in accordance with Section 13, Article XV, of the Constitution of the State of Nevada, without an enactment further specifying the Governor's duty in such cases.

Adopted.

And Messrs. Tennant, Mayhugh, and Welch appointed said Committee.

#### SENATE MESSAGES.

SENATE CHAMBER, CARSON CITY, }  
January 30th, 1869, }

*To the Hon. the Assembly :*

I have the honor to herewith transmit for the consideration of your honorable body, Senate Bill No. 26, "An Act to authorize the State Superintendent of Public Instruction to draw the percentage allowed by the United States to this State, on the sale of Public Lands sold in the State of Nevada."

Also, Senate Bill No. 65, "An Act to amend an Act to regulate proceedings in Criminal Cases in the Courts of Justice in the Territory of Nevada, approved November 26th, 1861."

Also, Senate Bill No. 67, "An Act supplementary to an Act entitled 'An Act for securing Liens to Mechanics and others,' approved November 21st, 1861."

Also, Senate Bill No. 44, "An Act to amend Section 99 of 'An Act to regulate the Civil Jurisdiction and Practice in Justice Courts, and to consolidate into one Act former provisions on the subject,' approved February 26th, 1866."

All the above bills having passed the Senate on the 29th day of January, 1869.

I also have the honor to return to your honorable body, Assembly Bill No. 6, "An Act to amend an Act entitled 'An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, approved November 5th, 1861,' entitled 'An Act concerning Conveyances,' approved March 11th, 1867," with the following amendments :

In Section 1, after the word "some" in sixth line on first page, strike out the words "Judge or" ; also after the word "seal" in seventh line on first page, strike [out] the words "or County Recorder of any County in this State."

Also, in Section 1, after the word "seal" in first line on second page, insert "or any Notary Public."

Also, in Section 1, in tenth line of second page, after the word "any," insert the words "court of any."

Also, in Section 1, after the word "Commissioner" in thirteenth line on second page, strike out the word "or," and after the word "consul" in same line, insert the words "or vice consul."

In Section 2, add "*provided*, that nothing herein shall affect any right of a *bona fide* purchaser, or any right acquired by operation of law, prior to the passage of this Act," the same having passed the Senate on the 29th day of January, 1869, as amended.

Also, Assembly Bill No. 18, "An Act for the purpose of placing the Finances of Lyon County upon a permanent cash basis, and to provide for the payment of the outstanding indebtedness of the said County," the same having passed the Senate on the 29th day of January, with the following amendments:

Amend Section 2, so as to read as follows:

Section 2. The Board of County Commissioners of Lyon County are hereby authorized and required from and after the passage of this Act, to create in the County Treasury a fund to be known as the Redemption Fund of said County; out of the amount of tax allowed by law to be levied for general County purposes, said Commissioners shall apportion annually to the said Redemption Fund forty (40) cents on each one hundred dollars' valuation of the taxable property of said County, until the indebtedness hereinafter provided for, to wit: thirty-two thousand dollars, (\$32,000) as principal and no more, is fully paid. Said tax shall be levied, assessed, and collected at the same time and in like manner as other State and County taxes; and the amount of tax so apportioned and collected shall be placed in said Redemption Fund as soon as paid into said Treasury. The money placed in the Redemption Fund created by this Act, shall be disbursed only as hereinafter provided.

In Section 7, line fifteen, after the word "accounts," add "reference being had to the preference of class," strike out Sections 12, 13, and 14, and make Section 15 Section 12.

Also, Assembly Bill No. 34, "An Act in relation to changing the Names of Individuals," the same having passed the Senate without amendments on the 29th day of January.

I am instructed to inform your honorable body, that the Senate, on the 29th day of January, refused to concur in Assembly amendments to Senate Bill No. 16, entitled "An Act to confer upon Curtis H. Lindley, a minor, the powers, privileges, and responsibilities of an adult," and herewith return the same for your further consideration.

Also, that the Senate this day have concurred in Assembly amendment to Senate Concurrent Resolution No. 49, relative to granting leave of absence to Robt. McBeth and J. D. Minor, County Commissioner and County Clerk of Humboldt County, respectively, for the period of six months in the year A. D. 1869.

Respectfully,

CHAS. F. BICKNELL,

Asst. Sec'y Senate.

Senate Bill No. 26, as per message.

Read first time; rules suspended; read second time by title, and referred to the Committee on Education.

Senate Bill No. 65, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 67, as per message.

Read first time; rules suspended; read second time by title, and referred to the Committee on Trades and Manufactures.

SPECIAL ORDER FOR TWELVE O'CLOCK.

Assembly Concurrent Resolution No. 20, relative to the Formation of New Counties.

Mr. Tennant moved to indefinitely postpone the resolution.

Upon which, the yeas and nays were called for by Messrs. Gray, Shakspeare, and Randall.

Roll called, and resolution indefinitely postponed by the following vote :

YEAS—Messrs. Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Doolin, Gray, Hanford, King, Lammon, Mayhugh, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—26.

NAYS—Messrs. Anderson, Barney, Brown, Bunker, Corbett, Davis, Ford, Mills, and Shimmin—9.

Senate Bill No. 44, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Judiciary Committee.

Assembly Bill No. 6, entitled “An Act to amend an Act entitled ‘An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, approved November 5, 1861,’ entitled ‘An Act concerning Conveyances,’ approved March 11, 1867.”

Passed on file.

Assembly Bill No. 18, entitled “An Act for the purpose of placing the Finances of Lyon Connty on a permanent cash basis, and to provide for the payment of the outstanding indebtedness of the said County.”

Amendments of the Senate concurred in by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, King, Lammon, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—30.

NAYS—0.

At 12 o'clock and 20 minutes P. M., Mr. Small moved to take a recess until 1:30 P. M.

Mr. Potter moved to adjourn.

Lost.

And motion for recess carried.

In session—1:30 P. M.

Mr. Speaker in the chair.

Quorum present.

Senate Bill No. 16, per message, entitled “An Act to confer upon Curtis H. Lindley, a minor, the powers, privileges, and responsibilities of an adult.”

Passed on file.

#### NOTICES.

Mr. Bunker gave notice that he would on some future day ask leave to introduce a bill for “An Act to amend an Act entitled ‘An Act to regulate Fees and Compensation for Official and other services in the State of Nevada,’ approved March 9th, 1865.”

Mr. Welch, pursuant to notice, introduced Assembly Bill No. 64, entitled "An Act to aid in the erection of a National Lincoln Monument."

Read first time; rules suspended; read second time by title, and placed on file.

Mr. Welch, pursuant to notice, introduced Assembly Bill No. 65, entitled "An Act for the Limitation of the Hours of Labor."

Read first time; rules suspended; read second time by title, and referred to the Committee on Mines and Mining Interests.

Mr. Corbett, by leave, introduced Assembly Bill No. 66, entitled "An Act to abolish Capital Punishment."

Read first time; rules suspended; read second time by title, and referred to a Special Committee to consist of one from each county, and two from Storey County.

Mr. Shakspeare, by leave, introduced Assembly Bill No. 67, entitled "An Act to amend an Act concerning Civil Cases in Justice Courts."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

#### THIRD READING OF BILLS.

Assembly Bill No. 39, entitled "An Act to amend an Act entitled 'An Act to provide revenue for the support of the Government of the State of Nevada,' approved March 9th, 1865."

Read third time, and on motion referred to a Special Committee of one, with instructions to amend, by inserting after the [word] "Sheriff" the words "or Constable."

The Committee reported the bill back amended as per instructions.

Mr. Woodworth moved to make the bill the special order for Monday, February 8th, at 12 o'clock M.

Lost.

Bill passed by the following vote:

YEAS—Messrs. Barney, Bowman, Brown, Burson, Clark, Corbett, Davis, Doolin, Ford, Gray, Hanford, King, Lammon, Moulton, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, and Mr. Speaker—22.

NAYS—Messrs. Anderson, Bunker, Burlingame, Cleveland, Coburn, Dangberg, Mills, Potter, Richardson, Rule, and Woodworth—11.

Assembly Bill No. 32, entitled "An Act in relation to Fees and Percentage of District or Prosecuting Attorneys in suits for Collection of Delinquent Taxes."

Read third time and passed:

YEAS—Messrs. Anderson, Bowman, Brown, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, King, Lammon, Mills, Moody, Potter, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—30.

NAYS—Messrs. Barney and Bunker—2.

Assembly Concurrent Resolution No. 22, relative to Constitutional Convention.  
Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Han-

ford, King, Mills, Moody, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, and Welch—29.

YAYS—Messrs. Corbett, Lammon, Moulton, Richardson, Woodworth, and Mr. Speaker—6.

Assembly Bill No. 14, entitled "An Act to prohibit the carrying of Concealed Weapons."

Read third time.

Mr. Cleveland moved that the Bill be referred to a Special Committee of one, with instructions to strike out the words "thirty miles."

Upon which the ayes and nays were called for by Messrs. Potter, Woodworth, and Mr. Speaker.

Mr. Mayhugh raised the point of order, that the question was decided in Committee of the Whole, and could not be again acted upon.

The Chair decided the point of order not well taken.

Roll called, and

Motion to strike out the words thirty miles lost :

YEAS—Messrs. Anderson, Bunker, Clark, Cleveland, Doolin, Moody, Potter, Randall, Rule, Scott, Tennant, Waller, and Woodworth—13.

NAYS—Messrs. Barney, Bowman, Brown, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, King, Lammon, Mills, Moulton, Richardson, Shakspeare, Shimmin, Small, Welch, and Mr. Speaker—22.

And bill passed by the following vote :

YEAS—Messrs. Anderson, Brown, Barney, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, King, Lammon, Mills, Moody, Shakspeare, Shimmin, Small, Welch, and Mr. Speaker—22.

NAYS—Messrs. Bowman, Bunker, Clark, Doolin, Moulton, Potter, Randall, Richardson, Rule, Scott, Tennant, Waller, and Woodworth—14.

Motion to adjourn.

Lost.

Mr. Cleveland gave notice that he would on to-morrow move to reconsider the vote by which the bill passed.

Senate Bill No. 60, entitled "An Act to authorize the Commissioners of Lyon County to issue to the Virginia and Truckee Railroad Company Bonds to the amount of Seventy-Five Thousand Dollars, and to provide for the payment of the same."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Clark, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, King, Lammon, Mayhugh, Mills, Moody, Moulton, Richardson, Scott, Shakspeare, Small, Tennant, Welch, Woodworth, and Mr. Speaker—28.

NAYS—Messrs. Bunker and Cleveland—2.

Mr. Mayhugh moved to adjourn.

Lost.

Senate Bill No. 16,

On motion of Mr. Mills, made special order for Tuesday, February 2d, at 12 m.



Mr. Burlingame moved to adjourn.  
Lost.

Assembly Bill No. 6,  
Passed on file.

On motion of Mr. King, at 3:15 minutes P. M., the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

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### THIRTIETH DAY.

TUESDAY, February 2d, 1869.

House met pursuant to adjournment.  
Mr. Speaker in the chair.  
Roll called.  
All present.  
Prayer by the Rev. Mr. Fraser.  
Journal read and approved.

Mr. Speaker announced the appointment of Special Committee on Assembly Bill No. 66, entitled "An Act to abolish Capital Punishment," as follows :

Mr. Tennant.....	Lander
Mr. Corbett.....	Ormsby
Mr. Doolin.....	Nye
Mr. Hanford.....	Storey
Mr. Anderson.....	Storey
Mr. Woodworth.....	Humboldt
Mr. Ford.....	Lyon
Mr. Waller.....	Churchill
Mr. Randall.....	Lincoln
Mr. Shimmin.....	Esmeralda
Mr. Bunker.....	Washoe
Mr. Dangberg.....	Douglas

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully compared Assembly Bill No. 50, with the original copy, and have found it correctly engrossed, to wit : "An Act to incorporate the Town of Gold Hill."

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Education to whom was referred Senate Bill No. 26, "An Act to authorize the State Superintendent of Public Instruction to draw

the percentage allowed by the United States to this State, on the sale of public lands sold in the State of Nevada," beg leave to report, that they had the same under consideration, and have directed their Chairman to report the bill back, without amendment, and recommend its passage.

JOHN BOWMAN,  
Chairman.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, CARSON CITY, }  
February 1st, 1869.

*To the Honorable the Assembly :*

I have the honor to herewith transmit for your consideration Senate Bill No. 30, "An Act to provide for the election of the Board of Regents, to fix their term of office and prescribe their duties."

Also, Senate Bill No. 53, "An Act to amend an Act entitled 'An Act concerning Crimes and Punishments,' approved November 26th, 1861."

Also, Senate Bill No. 68, "An Act to amend an Act entitled 'An Act relating to Officers, Qualifications, Time of Elections, Terms of Office, Official Duties, Resignations, Removals, Vacancies in Office, the Mode of Supplying the same, Misconduct in Office, and to enforce Official Duty.'"

The above bills having passed the Senate this day.

I also am directed to return to your honorable body Assembly Bill No. 4, "An Act to provide for the Payment of the Indebtedness of Esmeralda County."

Also, Assembly Joint Resolution No. 6, relative to claims of the State of Nevada, against the Government of the United States.

Also, Assembly Bill No. 25, "An Act to amend Section 7 of an Act entitled 'An Act to repeal an Act entitled 'An Act authorizing the Corporation of the Town of Aurora to the City of Aurora,' approved February 9th, 1864, and to provide for the payment of the indebtedness thereof,' approved February 17th, 1866."

Also, Assembly Bill No. 45, "An Act to amend an Act entitled 'An Act to amend Chapter 113 of the Statutes of 1866, entitled 'An Act to Consolidate and Pay certain Indebtedness of the County of Ormsby, approved March 12th, 1866,' approved March 4th, 1867."

All of the above bills having this day passed the Senate.

I also transmit for your consideration Senate Concurrent Resolution No. 88, That the State Controller be permitted to have 200 copies of his Report for his own use, the same having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Assistant Secretary Senate.

SENATE CHAMBER, CARSON CITY, }  
January 30th, 1869.

*To the Hon. the Assembly :*

I have the honor to transmit herewith for the consideration of your honorable body Senate Bill No. 54, "An Act to amend an Act entitled 'An Act to regulate Proceedings [in] Criminal cases in the Courts of Justice in the Territory of Nevada,' approved November 26th, 1861," the same having passed the Senate this day.

Respectfully,

CHAS. F. BICKNELL,  
Assistant Secretary Senate.

SENATE CHAMBER, CARSON CITY, }  
February 1st, 1869.

*To the Hon. the Assembly:*

I am instructed to return to your honorable body for your further consideration Senate Bill No. 10, "An Act to amend an Act entitled 'An Act to provide for the Formation of Corporations for certain purposes,' approved March 10th, 1865," the Senate having this day refused to concur in amendments made by the Assembly.

Also, Assembly Concurrent Resolution No. 19, relative to the Hon. D. E. Buel, late Commissioner from Nevada to the Paris *Exhibition* [Exposition] of 1867, the same having been indefinitely postponed by the Senate on January 30th, 1869.

Respectfully,

CHAS. F. BICKNELL,

Assistant Secretary Senate.

Senate Bill No. 30, as per Message.

Read first time; rules suspended; read second time by title; and referred to the Committee on Public Lands.

Senate Bill No. 53, as per Message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 68, as per Message.

Read first time; rules suspended; read second time by title, and referred to the Committee on Elections.

Senate Concurrent Resolution No. 88, as per Message.

Read, and passed unanimously.

Senate Bill No. 54, as per Message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 10, as per message.

Mr. Hillyer moved that the Assembly refuse to secede from their amendment, and that a Committee of Conference be appointed.

Carried.

And Messrs. Mayhugh, Tennant, and Lammon appointed said Committee.

Mr. Mayhugh, by leave, introduced Assembly Bill No. 72, entitled "An Act to prescribe the number of hours which shall constitute a legal day's labor in certain cases."

Read first time; rules suspended; read second time by title, and referred to the Committee on Mines and Mining Interests.

Mr. Bunker, pursuant to notice, introduced Assembly Bill No. 73, entitled "An Act to amend an Act entitled 'An Act to regulate Fees and Compensations for Official and other services in the State of Nevada,' approved March 9th, 1865."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Cleveland, pursuant to notice, moved to reconsider the vote by which Assembly Bill No. 66, entitled "An Act to prohibit the carrying of concealed weapons," was passed.

Upon which the ayes and noes were called for by Messrs. Hillyer, Burlingame, and Davis, and motion lost by the following vote :

YEAS—Messrs. Anderson, Bowman, Bunker, Clark, Cleveland, Doolin, Moody, Potter, Randall, Rule, Scott, Tennant, Waller, Woodworth, and Wright—15.

NAYS—Messrs. Barney, Brown, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Richardson, Shimmin, Small, Welch, and Mr. Speaker—23.

#### SPECIAL ORDER FOR 12 M.

Senate Bill No. 16, entitled "An Act to confer upon Curtis H. Lindley, a minor, the powers, privileges, and responsibilities of an adult."

Mr. Bowman moved the indefinite postponement of the bill.

Mr. Corbett moved as a substitute that the House refuse to secede from their amendment, and that a Committee of Conference be appointed.

Carried.

And the Speaker announced as said Committee, Messrs. Corbett, Gray, and Welch.

Assembly Bill No. 50, entitled "An Act to incorporate the Town of Gold Hill."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Richardson, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—32.

NAYS—0.

Senate Bill No. 26, entitled "An Act to authorize the Superintendent of Public Instruction to draw the percentage allowed by the United States to this State, on the sale of Public Lands sold in the State of Nevada."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodward, Wright, and Mr. Speaker—34.

NAYS—0.

Assembly Bill No. 64, entitled "An Act to aid in the erection of a Lincoln Monument."

Upon motion to engross, the ayes and noes were called for by Messrs. Wright, Welch, and Burson, and motion lost by the following vote :

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Clark, Dangberg, King, Mayhugh, Potter, Randall, Shimmin, Small, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—17.

NAYS—Messrs. Bowman, Burson, Burlingame, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mills, Moody, Moulton, Rule, Scott, and Welch—20.

Mr. Welch gave notice that he would, on to-morrow, move to reconsider the vote by which the motion to engross was lost.

On motion of Mr. Wright, at 1.15 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

### THIRTY-FIRST DAY.

WEDNESDAY, February 3d, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Hillyer and Moody.

Prayer by the Rev. Mr. Fraser.

Journal read and approved.

Mr. Burson asked leave of absence for Mr. Hillyer for one day.

Leave granted.

Mr. King asked leave of absence for T. S. Davenport, Minute Clerk, for three days.

Leave granted.

Mr. Coburn asked leave of absence for Mr. Moody for one day.

Leave granted.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to whom was referred Assembly Bill No. 57, entitled "An Act for the benefit of Married Women, in insuring the lives of their Husbands," report the same back, recommending its passage with the following amendments thereto:

Strike out the word "where" in line 14 of Section 1, and the first word of line 15, same section, and insert in lieu thereof the words "to any"; also strike out the word "the" where it occurs before the word "insurance," in said 15th line; also strike out the word "exceeds" in said 15th line, and insert in lieu thereof the words "greater than."

C. J. HILLYER,  
Chairman.

*Mr. Speaker :*

Your Committee, to whom was referred Senate Bill No. 53, entitled "An Act to amend an Act entitled an Act concerning Crimes and Punishments," approved Nov. 26th, 1861, and Senate Bill No. 65, entitled "An Act to amend an Act entitled an Act to Regulate Proceedings in Criminal Cases in the Courts of Justice in the Territory of Nevada," approved Nov. 26th, 1861, report the same back to the House with the recommendation that they pass.

C. J. HILLYER,  
Chairman Judiciary Committee.

*Mr. Speaker :*

Your Standing Committee on Trade and Manufactures, to whom was referred Assembly Bill No. 55, entitled "An Act to create the office of State Inspector of Boilers," have had the same under consideration, and have directed their Chairman to report the same back without recommendation. Also Senate Bill No. 67, "An Act supplementary to an Act entitled 'An Act for securing Liens to Mechanics and others,'" which they have also had under consideration, and report the same back without amendment, and recommend its passage.

ANDERSON,  
Chairman.

*Mr. Speaker :*

The Storey County delegation, to which was referred Assembly Bill No. 27, beg leave to report thereon as follows :

Subdivision 12 of Section 5 of "An Act to amend an Act establishing a Common School system for the Territory of Nevada," approved November 29th, 1861, approved December 20th, A.D. 1862, defining the powers of the Board of Education, reads as follows, to wit :

"Twelfth—To issue and sell bonds at a rate of interest not exceeding two per cent. per month, as money shall be needed from time to time to pay the salaries of teachers, rents, and necessary expenses of the schools to the first of November, 1863, said bonds not to exceed the sum of eight thousand dollars."

In the spring of 1863 the Board of Education issued under said provision, bonds for four thousand dollars to Theodore Le Roy, payable in twelve months, for two thousand dollars, to Jno. Brickell, payable in eighteen months, and on the 20th of June, 1863, to Wm. Ede, for two thousand dollars, payable in two years. All said bonds were payable in gold coin, bore interest at two per cent. per month, payable semi-annually, and were issued for borrowed money, to the amount of the bond received, and expended by said Board for educational purposes. The two bonds first mentioned were paid at maturity with the interest in gold coin, from the treasury of said Board of Education.

Prior to the maturity of the Ede bond, and on the 20th of March, 1865, an act was passed repealing the act of 1862 above referred to, and to which the Board of Education and its treasury owed its existence, and the County Treasurer was made the custodian of all county school funds.

No provision for the payment of said bond was made by law, and the county officers justly felt themselves unauthorized to pay the same without further legislation. The payee of the bond made application for relief to the Legislature of 1866, and also to that of 1867, but without success, the bill having failed to become a law—in the latter case on account of the veto of the Governor.

Your Committee have not deemed it necessary to inquire as to the propriety or justness of the expenditures made by the Board of Education, who borrowed this money. We are satisfied that they had authority to make the loan, and that the loaner, Mr. Ede, acted throughout in good faith; one among the proofs

upon which we have acted is the letter of N. A. H. Ball, School Trustee in 1865, which accompanies this report. From these facts your Committee think this a just debt against the county, and that it should be paid.

As it is a debt contracted prior to the first day of July, 1864, we have thought it just to authorize the drawing of a county warrant, which should with regard to payment and redemption stand on an equal footing with county warrants of the first class, under the Redemption Act of 1865, and we have prepared a substitute bill to that effect, the passage of which we recommend. All of which is respectfully submitted.

W. D. GRAY,  
Chairman Storey County Delegation.

Mr. Welch, pursuant to notice, moved to reconsider the vote by which the House refused to order Assembly Bill No. 64, entitled "An Act to aid in the erection of the National Lincoln Monument," engrossed. Upon which the ayes and noes were called for by Messrs. Welch, Anderson, and Burlingame, and motion carried:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Clark, Corbett, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, King, Mayhugh, Potter, Randall, Richardson, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—26.

NAYS—Messrs. Burson, Burlingame, Cleveland, Coburn, Ford, Lammon, Mills, Moulton, Rule, Scott, and Shakspeare—11.

On motion of Mr. Mayhugh, the House resolved itself into Committee of the Whole, the Speaker *pro tem.* in the chair, for the consideration of Assembly Bill No. 64, entitled "An Act to aid in the erection of the National Lincoln Monument."

In time the Committee rose, and reported the bill back to the House amended, and recommended its engrossment.

Upon motion to engross, the ayes and noes were called for by Messrs. Wright, Anderson, and Welch, and carried:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Clark, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, King, Mayhugh, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—30.

NAYS—Messrs. Burson, Burlingame, Cleveland, Coburn, Lammon, Mills, and Moulton—7.

#### SPECIAL ORDER FOR TWELVE M.

On motion, the House resolved itself into Committee of the Whole, Mr. Bowman in the chair, for the consideration of Assembly Bill No. 36, entitled "An Act to appropriate certain Moneys for the erection of a State Capitol."

In time the Committee arose, reported progress, and asked leave to sit again. Report adopted.

On motion of Mr. Potter, at 1:15 minutes P.M., the House adjourned.

Approved,  
D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## THIRTY-SECOND DAY.

THURSDAY, February 4th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Waller, Clark, and Moody.

Prayer by the Rev. Mr. Hammond.

Journal read and approved.

Mr. Randall asked leave of absence for one day for Mr. Waller and Mr. Clark.  
 Leave granted.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared Assembly Bill No. 18, viz: "An Act for the purpose of placing the Finances of Lyon County upon a permanent cash basis, and to provide for the payment of the outstanding indebtedness of the said county," with the engrossed copy, as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,  
 Chairman.

*Mr. Speaker :*

Your Standing Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 72, entitled "An Act to prescribe the number of Hours which shall constitute a Legal Day's Labor in certain Cases," have had the same under consideration, and beg leave to report the same back without recommendation.

Also, Assembly Bill, No. 65, entitled "An Act for the Limitation of the Hours of Labor," have had the same under consideration and beg leave to report the same back without recommendation.

THOS. RULE,  
 Chairman.

*Mr. Speaker :*

Your Standing Committee on Elections to whom was referred Senate Bill No. 68, "An Act to amend an Act entitled, 'An Act relating to Officers, Qualifications, Times of Election, Terms of Office, Official Duties, Resignations, Removals, Vacancies in Office, the mode of supplying the same, Misconduct in Office, and to enforce Official Duty,' approved March 9th, 1866," beg leave to report that they have had the same under consideration, have come to a favorable conclusion thereon, and recommend its passage.

I. S. BURSON,  
 Chairman.



*Mr. Speaker :*

Your Standing Committee to whom was referred Senate Bill No. 54, entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in Criminal Cases in the Courts of Justice in the Territory of Nevada,' approved November 26th, 1861," report the same back to the House, recommending its passage with the following amendments :

Insert after the words "Section four" and before the word "the" in said section, the words "Section four hundred and twenty-eight of said Act is hereby amended so as to read as follows."

C. J. HILLYER,  
Chairman Judiciary Committee.

#### RESOLUTIONS.

By Mr. King :

*Resolved,* That the Secretary of State be and is hereby authorized to have one hundred copies of Senate Bill No. 4, viz: "An Act to establish the Financial condition of the State upon a Coin Basis," printed, and distribute the same to the several counties of the State as soon as practicable.

Adopted.

By Mr. Moulton :

*Resolved,* That the use of the Assembly Chamber is hereby tendered to the third House for this evening.

Adopted.

By Mr. Woodworth :

Assembly Concurrent Resolution No. 25, relative to the mode of appointing county officers in new counties.

Lost.

Mr. Anderson, pursuant to notice, introduced Assembly Bill No. 74, entitled "An Act to amend an Act entitled 'An Act to grant the right to construct a Toll Road from Virginia City to Truckee Meadows and Steamboat Valley in Washoe and Storey Counties.'"

Read first time; rules suspended; read second time by title, and referred to Committee on Corporations.

Mr. Doolin, pursuant to notice, introduced Assembly Bill No. 75, "An Act to provide greater security to the Lives of Miners and others in this State."

Read first time; rules suspended; read second time by title; referred to Committee on Mines and Mining Interests, and usual number of copies ordered printed.

Mr. Mills, by leave, introduced Assembly Bill No. 76, entitled "An Act in relation to Fines."

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 6, entitled "An Act to amend an Act entitled 'An Act of the Legislative Assembly of the Territory of Nevada,' approved November 5th,

1861, entitled 'An Act concerning Conveyances,' approved March 11th, 1867," returned from Senate with amendments.

Amendments read, and

On motion of Mr. Woodworth, that the House do not accept the first amendment to Section 1, the House refused to concur in said amendment.

On motion of Mr. Hillyer, the House concurred in the other amendments thereto.

Mr. Woodworth moved that a Committee of Three be appointed to confer with a like Committee from the Senate.

Carried.

Mr. Speaker appointed as such Committee :

Messrs. Woodworth, Hillyer, and Tennant.

Assembly Bill No. 57, "An Act for the Benefit of Married Women in Insuring the Lives of their Husbands."

Amendments offered by the Judiciary Committee.

Mr. Woodworth moved to adopt amendments as offered by the Committee, and that the bill be ordered engrossed.

Carried.

Senate Bill No. 53, entitled "An Act to amend an Act entitled 'An Act concerning Crimes and Punishments,' approved November 26th, 1861."

Read third time.

Mr. Cleveland moved to pass the bill on the General File.

Carried.

Senate Bill No. 65, entitled "An Act to amend an Act to regulate proceedings in Criminal Cases in the Courts of Justice in the Territory of Nevada," approved November 26th, 1861.

Read third time, and passed by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Coburn, Corbett, Dangberg, Doolin, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moulton, Randall, Richardson, Scott, Shakspeare, Shimmin, Burson, Burlingame, and Small—27.

NAYS—Messrs. Cleveland, Lammon, Potter, and Welch—4.

Senate Bill No. 67, entitled "An Act supplementary to an Act entitled 'An Act for securing Liens to Mechanics and others,' approved November 21, 1861."

Read third time, and passed by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, and Welch—28.

NAYS—Mr. Moulton—1.

Assembly Bill No. 55, entitled "An Act to create the office of State Inspector of Boilers."

Mr. Hillyer moved the indefinite postponement of the bill.

Mr. Shakspeare moved to recommit the bill to Committee on Trade and Manufactures.

Carried.

Assembly Bill No. 27, "An Act to authorize the County of Storey to pay certain Bonds." To which a substitute was offered by Committee, and was adopted and ordered engrossed.

Assembly Bills Nos. 65 and 72, "Acts for the Limitation of the Hours of Labor."

Mr. Corbett moved that the whole subject matter of the two bills be referred to the Judiciary Committee.

So referred.

Senate Bill No. 68, entitled "An Act to amend an Act entitled 'An Act relating to Official Qualifications, Times of Election, Terms of Office, Official Duties, Resignations, Removals, Vacancies in Office, the mode of supplying the same, Misconduct in Office, and to enforce Official Duty,' approved March 9th, 1866."

Read third time, and passed by the following vote :

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, and Mr. Speaker—32.

Senate Bill No. 54, entitled "An Act to amend an Act to regulate Proceedings in Criminal Cases in the Courts of Justice in the Territory of Nevada, approved November 26th, 1861."

Amendments of Committee adopted, and the bill passed by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, and Mr. Speaker—33.

Assembly Bill No. 36, entitled "An Act to provide for the erection of a State Capitol Building."

On motion of Mr. Corbett the bill was made the special order for Monday, 8th inst., at 12 o'clock M.

#### SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 2d, 1869. }

*To the Hon. the Assembly :*

I am instructed to herewith return to your honorable body Assembly Joint Resolution No. 2, relative to calling a Convention for the revision of the State Constitution, the same having been indefinitely postponed by the Senate this day.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, February 3d, 1869.

*To the Hon. the Assembly:*

I am instructed to inform your honorable body that Messrs. Tritle, Bonnifield, and Hastings, have this day been appointed a Committee of Conference to act with the Committee appointed by the Assembly to consider the amendments of Senate Bill No. 16, "An Act to confer upon Curtis H. Lindley, a minor, the Powers, Privileges, and Responsibilities of an adult."

Also, that Messrs. Welty, Gray, and Bonnifield have this day been appointed a Committee of Conference to consider with the Committee appointed by the House the amendments proposed by the Assembly to Senate Bill No. 10, relative to providing for the formations of corporations for certain purposes.

Respectfully,

CHAS. F. BICKNELL,  
 Asst. Sec'y Senate.

Mr. Welch, by leave, introduced the following resolution:

*Resolved*, That the Speaker be requested, as soon as members receive their per diem, to solicit subscriptions to the Lincoln Monument.

Adopted.

On motion of Mr. Burson, at 12:30 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
 Speaker.

Attest—A. WHITFORD,  
 Clerk.

### THIRTY-THIRD DAY.

FRIDAY, February 5th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Clark, Waller, Lammon, and Woodworth.

Prayer by the Rev. Mr. Hammond.

Journal read and approved.

Mr. Mayhugh moved that when this House adjourn it adjourn to Monday, at 11 o'clock A.M.

Carried.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 33, entitled "An Act to create the County of White

Pine," beg leave to report that they have held several meetings upon the subject matter, and have arrived at no conclusion thereon; therefore they have directed their Chairman to report the same back to the House without any recommendation.

All of which is respectfully submitted,

JOHN S. MAYHUGH,  
Chairman.

MESSAGE FROM THE GOVERNOR.

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

*To the Hon. Assembly of Nevada:*

I have this day approved Assembly Bill No. 18, entitled "An Act for the purpose of placing the Finances of Lyon County upon a permanent Cash Basis, and to provide for the Payment of the Outstanding Indebtedness of said County."

H. G. BLASDEL,  
Governor.

Mr. Burlingame, by leave, introduced Assembly Bill No. 77, entitled "An Act to provide for the Education of the Deaf and Dumb and Blind of the State of Nevada."

Read first time; rules suspended; read second time by title, and referred to Committee on State Institutions.

Mr. Gray, by leave, introduced Assembly Bill No. 78, entitled "An Act to restrict Gaming."

Read first time; rules suspended; read second time by title; referred to the Committee on Public Morals, and the usual number of copies ordered printed.

Mr. Rule asked leave of absence for one day for Mr. Woodworth.  
Leave granted.

Mr. Corbett, by leave, introduced the following Resolution:

*Resolved*, That Wm. M. Gillespie be, and he is hereby, appointed Reporting Clerk of this House for the present Session.

Upon which the ayes and noes were called for by Messrs. Mayhugh, Wright, and Potter.

Mr. Doolin moved that the Resolution lie on the table until Monday, the 8th instant.

Lost.

And ayes and noes called with the following vote:

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Shakspeare, Shimmin, Small, Tennant, Welch, Wright, and Mr. Speaker—30.

NAYS—Messrs. Doolin, Hanford, and Richardson—3.

Mr. Bowman gave notice that he would, on Monday, move to reconsider the vote by which the Resolution was adopted.

## MESSAGE FROM THE GOVERNOR.

The Governor's Veto Message accompanying Assembly Bill No. 1, entitled "An Act to create Legislative Funds," was now taken up for consideration :

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

*To the Hon. the Assembly of Nevada :*

I herewith return Assembly Bill No. 1, entitled "An Act to create Legislative Funds," without approval, with my objections thereto, as follows :

Its provisions which are to my mind particularly objectionable, and which, in my opinion, are both unwise in policy and in conflict with the Constitution of this State, are :

1st. The bill exempts all claims for contingent expenses of the Senate and Assembly from the operation of Section 21, Article V of the Constitution which provides that "no claim against the State (except salaries or compensations of officers fixed by law) *shall be passed upon by the Legislature without having been considered and acted upon by said (the) Board of Examiners.*"

2d. The bill gives an unwarrantable preference and advantage to members and attachés, over other creditors of the State, or servants of the People.

3d. It indirectly increases the compensation of members and attachés in violation of Section 33, Article IV, of the Constitution ; which provides that "no increase of compensation shall take effect during the term for which the members  
\* \* \* shall have been elected."

4th. It increases the indebtedness of the State beyond the limitation imposed by Section 3, Article 14, of the Constitution.

5th. It deprives in part the Board of Examiners, Controller, and Treasurer, of their legitimate, constitutional and legal functions, and vests them in the Legislature or in [the] attachés thereof—thus usurping executive power, (the auditing and disbursing powers of the State) and destroying the system of checks and balances, and striking down the safeguards wisely thrown around the treasury.

Nothing can be plainer than the purpose everywhere manifested in the fundamental law, to withhold from the Legislature the power to pass upon or allow any claim against the State (save salaries and compensation of officers fixed by law) until the same shall have been considered and acted upon by the Board of Examiners. Such is the express language of the Constitution. Yet this purpose, so emphatically declared, is in plain terms defied by the appropriation of moneys, and the creation of officers to disburse the same, in payment of indebtedness not submitted to, or acted upon by the Board. Indeed, the bill in express terms exempts the "Contingent Funds" thereby created, from the operation of the law creating the Board of Examiners, *which law, in all that is material, is an exact copy of a constitutional provision.*

I intend no reflection against the present Legislature, either branch, or any member thereof, when I remind you that, at the last session, under provision of law similar to the one under discussion, hundreds of dollars of the people's money were voted away in direct violation of Section 28, Art. IV, of the fundamental law, which provides that "no money shall be drawn from the State Treasury as salary or compensation to any officer or employé of the Legislature, or either branch thereof, *except in case where such salary or compensation has been fixed by law in force prior to the election or appointment of such officer or employé.*" Notwithstanding this explicit provision, officers and employments were created and compensated, and during the last hours of the session, large sums of the people's money were extravagantly voted away, by *resolution merely*, to in-

crease the compensation of employés, whose compensation *had been fixed by law* then in force, passed prior to that session.

I beg also to remind you that under existing laws, every legitimate contingent expense likely to arise in either branch of the Legislature is *already provided for* by Act of March 1st, 1866, Statutes of 1866, page 182. It is made the duty of the Secretary of State to provide you with fuel and such other articles (except stationery) as may be necessary to enable you to transact the public business; and by the 33d Section of Art. IV of the Constitution, you are allowed a sum not to exceed sixty dollars each for expenses actually incurred by you in the necessary purchase of stationery, payment of postage, etc. The State in no sense furnishes you with these articles, but engages to reimburse you for such expenditures when actually and necessarily made. In providing yourselves with them you become *creditors* of the State, and your demands, like all others, must be submitted to and acted upon by the Board of Examiners. The creation of these "funds," therefore, and more especially the withdrawal of the money from the treasury *before* indebtedness incurred, would seem for any legitimate purpose to be as unnecessary as it is unconstitutional.

Nor can I approve that provision in the bill which directs the issuance of "interest-bearing" warrants to members and attachés for compensation and mileage, independently of any constitutional question. I object to the measure as unwise and impolitic, as tending to establish a most dangerous precedent, which, carried to its logical sequences, would greatly increase the already too heavy burthens of the people.

I can see no justice in making warrants issued to members and attachés "interest bearing," whilst all other warrants bear none. I fail to perceive the necessity for such invidious distinction, or any sound reason why all the creditors of the State, and servants of the people, should not stand in manner of payment upon the same footing.

Independent of these considerations, the proposition to issue "interest-bearing warrants" to members, is, in my opinion, in violation of the Constitution.

At the time of election and qualification of members and attachés, the compensation to be received was fixed by law. Section 33, Art. IV, of the Constitution provides that such compensation shall not be increased to be operative as to you. The manner of payment, to wit: by warrant on the treasury, due and payable only when the money shall be in the fund, was fixed with intended equal certainty. In legal intendment and effect, the State promises to pay you, and all other of its officers and servants, a *fixed* and *certain* compensation, when in funds. For this it is now proposed to substitute *a promise to pay* that *fixed* sum, together with an *additional sum*, called *interest*, when the State shall be in funds. Do not we increase your compensation by this mode of payment? Would you not draw a larger sum from the State Treasury than is payable under the existing laws under which you were *elected*, and by the organic law directed to be *paid*? By passing this act would we not add to your compensation the exact amount of interest due on your warrants, when the State shall be in funds? And if we may legally add fifteen per cent. per annum to the fixed compensation of *acting* members and employés, may we not with equal legality *quadruple* that compensation, using always the precaution to denominate that excess "interest?"

Again, the warrants contemplated by the bill in my judgment amounts to a "contract of indebtedness on the part of the State," within the meaning of Section 3, Art. IX, of the Constitution. The warrant for five thousand (\$5,000) dollars intended to be issued in favor of and delivered to the Sergeant-at-Arms of the Assembly, bearing interest at the rate of fifteen per cent. per annum, differs in no essential particulars from an ordinary interest-bearing bond, and in most essential particulars differs from the means of payment contemplated by the Constitution.

It certainly recognizes the existence of a *debt* overdue, contains an order for payment accepted by the State, bears interest from date until paid, and is negotiable by endorsement. What possible difference, in law, or in consequence to the people who furnish the means of paying, is there between the Controller executing and uttering an interest-bearing warrant upon the Treasury, the Treasurer selling that warrant for money, putting the money in the Treasury for disbursement, and executing and uttering an interest-bearing warrant on the Treasury in favor of a particular individual, (as the Sergeant-at-Arms) not a creditor of the State—he having authority to convert the same into money, and disburse the same in lieu of the Treasurer, for indebtedness thereafter to accrue?

The process of payment authorized by the Constitution, and recognized in the laws, is simple and well understood. In contemplation of revenue, appropriations are made; and for existing indebtedness warrants are drawn on the Treasury, due in contemplation of law, and payable only when there is money in the fund drawn upon.

No amount of sophistry can harmonize the plan proposed by the bill with this well understood and heretofore practiced theory of payment under the Constitution; nor can any words of circumlocution or evasion make the warrants contemplated less than a contract of indebtedness entered into by, or on behalf of the State.

The third Section of Article IX of the Constitution was not intended merely as a limitation on the power to borrow money, but also upon *power to contract debts*. A debt may be contracted in other ways than by *borrowing money*. Any acknowledgment of a sum due, coupled with an unconditional promise to pay, is a debt. No one can doubt the intention of the framers of our fundamental law—to require the conducting of public affairs upon a cash basis, limiting the expenditures to the amount of revenue received, subject only in ordinary cases to the exception of three hundred thousand dollars, as specified in Article IX. They were determined the people of this State should not be burdened with enormous debt, and that their substance should not be absorbed in payment of interest. How does this plain purpose stand affected by the measure in question? If the Legislature may authorize the issuance of “interest-bearing warrants” in payment of any, it may in payment of all classes of indebtedness; and as the necessity may arise as the State’s credit depreciates in consequence of the amount of warrants outstanding the rates of interest may be multiplied on the plea of availability indefinitely until utter ruin be brought upon the State.

If the Legislature may cause the Controller to draw “interest-bearing warrants” upon the Treasurer in favor of the Sergeant-at-Arms of the Assembly for *anticipated* indebtedness, and then by resolution direct him to sell the warrants, and disburse the proceeds, why may it not, with even greater propriety, require warrants to be drawn, and direct the Treasurer to put them upon the market, and place the proceeds in the treasury for general disbursement?

If the Legislature may compel the drawing of warrants for indebtedness not yet incurred, and upon such warrants withdraw from the treasury money therein, lodge the same in the hands of the Sergeant-at-Arms, and disburse the same on resolution of one or both branches merely, what is left of the guarantees thrown around the treasury by the framers of the Constitution? If it may seize and exercise one of the functions of an independent and co-ordinate department of the State government, why not all?

If, notwithstanding the fundamental law, it may exempt one class of indebtedness other than salaries and compensation of officers fixed by law, from the action of the Board of Examiners, Controller and Treasurer, why not exempt them all?

If it may legally make its members and employes the custodians of nine thousand dollars of the State’s money, why not of all of it? If it may assume the



functions and legal duties of the Board of Examiners, Controller, and Treasurer in one particular, why not in all cases? Being advised that the indebtedness of the State already reaches the maximum sum authorized by the Constitution, and entertaining the foregoing expressed views, I cannot consistently approve the bill, hence its return herewith for your further action.

Very respectfully submitted,

H. G. BLASDEL,

Governor.

Pending the reading by the Clerk, Mr. Mayhugh moved to dispense with the further reading.

Motion lost.

The question being, "Shall the bill pass notwithstanding the objections of the Governor?"

Roll called and bill passed by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Wright, and Mr. Speaker—35.

NAYS—Mr. Cleveland—1.

Mr. Welch asked leave of absence for one day for Mr. Lammon.

Leave granted.

Mr. Doolin, by leave, introduced the following resolution :

WHEREAS, It has pleased the great Architect of the Universe to call from the sphere of his earthly usefulness W. A. Waller, brother of Hon. A. B. Waller, of Churchill County; therefore

*Resolved*, That we deeply sympathize with the Hon. A. B. Waller in his sad bereavement.

*Resolved*, That this House do now adjourn for the purpose of attending the funeral of the deceased.

*Resolved*, That the members of this House meet at the Assembly chamber at 1½ o'clock P.M., and attend the funeral of William A. Waller.

Adopted.

At 12.30 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,

Speaker.

Attest—A. WHITFORD,

Clerk.

## THIRTY-SIXTH DAY.

MONDAY, February 8th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Father Gleeson.

Journal read and approved.

## REPORT OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Enrollment, beg leave to report: That they have carefully compared the following Assembly Bills with the engrossed copies, as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval, viz:

Assembly Bill No. 45, "An Act to amend an Act entitled 'An Act to amend Chapter 113 of the Statutes of 1866, entitled "An Act to consolidate and pay certain indebtedness of the County of Ormsby," approved March 12th, 1866,' approved March 4th, 1867."

Also, Assembly Bill No. 25, "An Act to amend Section 7 of an Act entitled 'An Act to repeal an Act entitled "An Act authorizing the corporation of the town of Aurora to the City of Aurora, approved February 9th, 1864," and to provide for the payment of the indebtedness thereof,' approved February 17th, 1866."

Also, Assembly Bill No. 34, "An Act in relation to changing the names of individuals."

Also, Assembly Joint Resolution No. 6, relating to claims of the State of Nevada against the Government of the United States.

Also, Assembly Concurrent Resolution No. 12, relative to Sheriff of Lander County.

Also, Assembly Bill No. 4, "An Act to provide for the payment of the indebtedness of Esmeralda County."

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 75, entitled "An Act to provide greater security to the lives of Miners and others in this State," have had the same under consideration and beg leave to report the same back without recommendation.

T. W. RULE,  
Chairman.

## SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 4th, 1869. }

*To the Hon. the Assembly :*

I am instructed to herewith transmit for the consideration of your honorable body, Senate Bill No. 12, "An Act to provide for fostering and supporting the

Nevada Orphan Asylum, a duly incorporated benevolent institution, located at Virginia, Storey County, State of Nevada."

Also, Senate Bill No. 66, "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer.'"

Also, Senate Bill No. 69, "An Act to amend an Act entitled 'An Act relating to Elections, the Manner of Conducting and Contesting the same; Election Returns, and Canvassing the same; Fraud upon the Ballot Box; Destroying or attempting to Destroy the Ballot-Box; Illegal or attempted Illegal Voting and Misconduct at the Polls,' approved March 9th, 1866."

Also, Senate Joint Resolution No. 78, relative to mail service between Placerville, California, and Carson Valley, Utah Territory; the above bills having this day passed the Senate.

I also have the honor to return to your honorable body, Assembly Bill No. 20, "An Act prescribing Rules and Regulations for the Executing of the Trust arising under the Acts of Congress, 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands,' approved March 2d, 1867," with the following amendments:

In Section 3, eleventh line, strike out the word "three" and insert "ten."

In Section 4, sixth line, strike out "sixty days" and insert "one year."

Add to Section 4, "*provided*, that the provisions of this Section shall not apply to the property of minors or insane persons."

In Section 8, third and fourth lines, strike out the words "ninety days" and insert "one year."

Add to Section 8, "*provided*, that the provisions of this Section shall not apply to the sale of real estate belonging to minors or insane persons, except upon an order of Court authorizing such sales, which order may be made by the Court upon an *ex parte* application under oath of the trustee named in this Act."

Add to bill, "Section 11. All Acts heretofore passed, in conflict with the provisions of this Act, are hereby repealed;" the same having passed the Senate this day as amended.

Also, Assembly Bill No. 35, "An Act to amend Section 44 of 'An Act to provide for Organizing and Disciplining the Militia of the State, approved March 4th, A.D. 1865,'" the same having passed the Senate this day without amendment.

Respectfully,

CHAS. F. BICKNELL,  
Asst. Sec'y Senate.

Senate Bill No. 12, as per message.

Read first time; rules suspended; read second time by title.

Mr. Welch moved that the bill be referred to a Committee of two from Storey County, and one from each of the other counties.

Motion carried, and bill so referred.

Senate Bill No. 66, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 69, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on Elections.

Senate Joint Resolution No. 78, as per message, relative to mail service between Placerville, California, and Carson Valley, Utah Territory.

Read first time; rules suspended; read second time by title, and referred to Committee on Federal Relations.

Assembly Bill No. 20, as per message.

Mr. Hillyer moved that the bill be referred to the Committee on Public Lands.  
Carried.

SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 5th, 1869. }

*To the Hon. the Assembly:*

I have the honor to herewith transmit, for the consideration of your honorable body, Substitute for Senate Bill No. 79, "An Act to provide for the Incorporation of the Grand Lodge of the Independent Order of Good Templars and its Subordinate Lodges."

Also, Senate Bill No. 84, "An Act to amend an Act entitled 'An Act fixing the number of Officers and Employés of Senate and Assembly, to define their duties and establish their pay,' approved January 21, 1865."

Also, Senate Bill No. 85, "An Act supplementary to an Act entitled 'An Act concerning the Office of Surveyor General,' approved March 20th, 1865."

Also, Senate Bill No. 86, "An Act to amend an Act entitled an Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies, and the management of affairs thereof and other matters relating thereto,' approved March 9th, 1866."

Also, Senate Bill No. 93, "An Act directing the Board of County Commissioners of Lander County to audit and allow certain claims."

Also, Senate Concurrent Resolution No. 104, relative to granting leave of absence to Hiram Welch, County Recorder of Humboldt County, for five months. All of the above bills and the above resolution having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Secretary of Senate.

Substitute Senate Bill No. 79, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on Corporations.

Senate Bill No. 84, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on State Affairs.

Senate Bill No. 85, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on Counties and County Boundaries.

Senate Bill No. 86, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on Railroads.

Senate Bill No. 93, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on Claims.

Senate Concurrent Resolution No. 104, as per message.  
Read and passed unanimously.

## SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 5th, 1869. }

*To the Hon. the Assembly:*

I am instructed to inform your honorable body that Assembly Bill No. 1, "An Act to create Legislative Funds," passed the Senate this day, notwithstanding the objections of the Governor, by the following vote:

YEAS—19.

NAYS—0.

Respectfully,

CHAS. F. BICKNELL,  
Asst. Sec'y Senate.

Mr. Bowman, pursuant to previous notice, moved to reconsider the vote by which the resolution passed relative to the employment of a Reporting Clerk for the House.

Motion withdrawn.

Mr. Mayhugh, by leave, introduced the following resolution:

*Resolved,* That the Judiciary Committee be instructed to examine into and report to this House as early a day practicable, as to the legal or constitutional powers of the Legislature to alter or amend the Charter of any Toll Road Company that has been heretofore chartered by the Territorial Legislature, and State Legislatures since the organization of Territorial and State Government, of any Toll Road Company organized under the provisions of an Act entitled "An Act to provide for Constructing and Maintaining Toll Roads and Bridges in this State, approved March 8th, A.D. 1865."

Adopted.

Mr. Rule, by leave, introduced Assembly Bill No. 87, "An Act to authorize the Board of Examiners to allow certain Claims against the State."

Read first time; rules suspended; read second time by title, and referred to Committee on Claims.

Mr. King asked for three days' further leave of absence for Mr. Davenport, Minute Clerk.

Leave granted.

Mr. Anderson, pursuant to previous notice, introduced Assembly Bill No. 88, "An Act to Prohibit Gaming."

Read first time; rules suspended; read second time by title.

Mr. Moulton moved to have the usual number of copies printed.

Carried.

Bill referred to Committee on Public Morals.

Mr. Anderson, by leave, introduced Assembly Bill No. 89, entitled "An Act to create New Counties and Organize the same."

Read first time; rules suspended; read second time by title, and referred to Counties and County Boundaries.

At 12 M., the hour of the special order having arrived, the House resolved itself into the Committee of the Whole, Mr. Cleveland in the chair, for the purpose of considering Substitute Assembly Bill No. 36, entitled "An Act to provide for the erection of a Capitol Building."

In time, the Committee rose and reported the bill back amended, and recommended that it be ordered engrossed as amended.

Mr. Hillyer moved that the amendments of Committee be adopted.  
Carried.

Mr. Potter moved that the usual number of copies of the bill be printed.  
Carried.

Mr. Mayhugh moved that the bill be ordered engrossed.  
Upon which the ayes and nays were called for by Messrs. Woodworth, Cleveland, and Mills, and motion adopted by the following vote:

YEAS—Messrs. Anderson, Barney, Bunker, Burlingame, Clark, Corbett, Dangberg, Davis, Gray, Hanson, Hillyer, Lammon, Mayhugh, Moulton, Potter, Richardson, Shakspeare, Shimmin, Small, Waller, Welch, Wright, and Mr. Speaker—23.

NAYS—Messrs. Bowman, Brown, Burson, Cleveland, Coburn, Doolin, Ford, Hanford, King, Mills, Moody, Randall, Rule, Scott, Tennant, and Woodworth—16.

On motion of Mr. Mayhugh, at 1 o'clock and 15 minutes P. M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

### THIRTY-SEVENTH DAY.

TUESDAY, February 9th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. Hillyer.

Prayer by the Rev. Father Gleeson.

Journal read and approved.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on State Institutions, to whom was referred Assembly Bill No. 77, an Act entitled "An Act to provide for the Education of the

Deaf and Dumb and Blind of the State of Nevada," have had the same under consideration, and respectfully beg leave to return the same with amendments, to wit :

Section 4, in the first line, after the word "Deaf" insert "and Dumb;" after the words "ages of" strike out "six" and insert "eight," so as to read as follows :

All Deaf and Dumb, or Blind persons between the ages of eight, etc.; and that the bill do pass as amended.

S. A. MOULTON,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Public Lands, to whom was referred Assembly Bill No. 20, "An Act prescribing Rules and Regulations for executing the Trust arising under the Act of Congress, "An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands, approved March 2d, 1867," with Senate amendments thereto, have had the same under consideration, have come to a favorable conclusion thereon, report the same back to the House recommending its passage as amended by the Senate.

J. M. WOODWORTH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Corporations, to whom was referred Senate Substitute Bill No. 19, entitled "An Act to provide for the Incorporation of the Grand Lodge of the Independent Order of Good Templars, and its Subordinate Lodges," beg leave to report that they have had the same under consideration, came to a favorable conclusion thereon, and recommend its passage without amendment.

GEO. I. LAMMON,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Corporations, to whom was referred Assembly Bill No. 53, in relation to the Incorporation of Treasure City, beg leave to report that the Committee feel incompetent to report on the merits or demerits of said bill; not being conversant with the wants or wishes of that community. We therefore respectfully ask that it be re-referred to the Lander delegation.

Respectfully,  
GEO. I. LAMMON,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Railroads, to whom was referred Senate Bill No. 86, entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies and the Management of the Affairs thereof, and other matters relating thereto," approved March 9th, 1866," have had the same under consideration, have come to a favorable conclusion thereon, and directed their Chairman to report the same back to the House, recommending its passage.

J. M. WOODWORTH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 2, entitled "An Act to Define and Establish the Boundary Line between the County of Nye and the Counties of Esmeralda and Churchill," beg leave to report that they have had the same under consideration, and have come to an unfavorable conclusion thereon, and direct their Chairman to report back to the Assembly a Substitute Bill, entitled "An Act to Establish the Boundary Line between the Counties of Esmeralda and Nye," and recommend that said Substitute Bill do pass.

JNO. S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared the engrossed copy with the original, and find the same correctly engrossed, namely: Substitute Assembly Bill No. 36, entitled "An Act to provide for the Erection of a State Capitol Building."

JNO. S. MAYHUGH,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee on Constitutional Amendments, to whom was referred Constitutional Amendment No. 13, to amend Section one of Article II of the Constitution, have had the same under consideration, and directed their Chairman to report the same back to the House without recommendation.

Also, Constitutional Amendment No. 14, to amend Section one, Article II, of the Constitution, have had the same under consideration, and directed their Chairman to report the same back to the House, and recommend its passage.

Your Committee have been unable to agree, but the majority have failed to see any reasons why the passage of the Amendment should not be recommended.

WM. DOOLIN,  
Chairman.

#### RESOLUTIONS.

By Mr. Welch :

*Resolved*, That no person, other than a Member, be allowed to address this House in connection with any subject matter of Legislation, unless by unanimous consent.

Lost.

By Mr. King :

*Resolved*, That the Committee Clerks be instructed by their respective Committees, where amendments are made to bills, to place their amendments upon separate slips of paper, as well as in their reports.

Adopted.

Mr. Corbett, by leave, introduced Assembly Bill No. 90, entitled "An Act to provide for the Publication of Summons in certain cases."

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.



Mr. Potter, by leave, introduced Assembly Bill No. 91, entitled "An Act to amend an Act entitled 'An Act to provide for the Condemnation of Real Estate and other property required for Mining Purposes,' approved March 3d, 1866."

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

Mr. Scott, by leave, introduced Assembly Bill No. 92, entitled "An Act in relation to Swamp and Overflowed Lands."

Read first time; rules suspended; read second time by title; ordered printed, and referred to Committee on Swamp and Overflowed Lands.

Mr. Woodworth, pursuant to notice, introduced Assembly Bill No. 93, entitled "An Act Concerning Sheriffs."

Read first time; rules suspended; read second time by title, ordered printed, and referred to Committee on Judiciary.

On motion of Mr. Brown, at 12 o'clock and 15 minutes, the House took a recess for 45 minutes.

#### IN SESSION.

At 1 o'clock House met. No quorum being present, Mr. Woodworth moved a call of the House.

Carried.

Roll called and the following members were absent:

Messrs. Bowman, Burson, Burlingame, Clark, Corbett, Doolin, Hanson, Hillyer, King, Lammon, Mills, Richardson, Shakspeare, Shimmin, Small, Tennant, Waller, Gray, Welch, Brown, and Coburn.

Messrs. Gray, Brown, Coburn, Doolin, Tennant, Clark, King, Mills, Richardson, Bowman, Shimmin, and Burlingame, appearing at the bar, were excused.

On motion of Mr. Tennant, the further call was dispensed with.

#### SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 8th, 1869. }

*To the Hon. the Assembly:*

I am instructed to inform your Hon. body that Messrs. Welty, Tritle, and Monroe, were this day appointed a Committee of Conference to act with the Committee appointed by the House, to consider the amendments proposed to Assembly Bill No. 6, "An Act relating to Conveyances."

I have also the honor to herewith transmit for the consideration of your honorable body Senate Bill No. 90, "An Act to amend an Act entitled 'An Act concerning Juries,' approved March 3d, 1866," the same having passed the Senate this day.

Also, Senate Concurrent Resolution No. 110, relative to granting leave of absence to H. R. Mighels, the same having this day passed the Senate unanimously.

I also am instructed to return to your honorable body substitute for Assembly Bill No. 21, "An Act to amend an Act entitled 'An Act concerning Official Bonds,'

approved March 14th, 1865," with the following amendment: Strike out all of Section 2, the same having this day passed the Senate as amended.

Also, Assembly Bill No. 32, "An Act in relation to Fees and Percentage of District or Prosecuting Attorneys in Suits for the Collection of Delinquent Taxes," the same having this day been rejected by the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Senate Bill No. 90, as per message.

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

Senate Concurrent Resolution No. 110, as per message, relative to granting leave of absence to H. R. Mighels, was unanimously adopted.

Substitute for Assembly Bill No. 21, as per message, amendments of the Senate were non-concurred in by the following vote:

NAYS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—35.

On motion, Mr. Speaker announced the names of Messrs. Bowman, Anderson and Welch, as a Committee of Conference, to act with a like committee to be appointed from the Senate, to consider the amendments proposed to Assembly Bill No. 21.

#### GENERAL FILE.

Substitute for Assembly Bill 36, entitled "An Act for the erection of a State Capitol Building."

Mr. Mayhugh moved to make the bill a special order for to-morrow, at 11½ o'clock.

Agreed to.

Senate Bill No. 53, "An Act to amend an Act entitled 'An Act concerning Crimes and Punishments,' approved November 26th, 1861."

Bill read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Mills, Moody, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—32.

Assembly Bill No. 33, "An Act to create the County of White Pine."

On motion of Mr. Tennant, the bill was made the special order for Wednesday, at 12 o'clock M.

Assembly Bill No. 75, "An Act to provide greater security to the Lives of Miners and others in this State."

On motion, the House refused to engross the bill.

Assembly Bill No. 77, "An Act to provide for the Education of the Deaf and Dumb and Blind of the State of Nevada."

Amendments offered by the Committee adopted, and bill ordered to engrossment.

Mr. Speaker announced as Select Committee on Orphan Asylum Bill:

Mr. Welch .....	}	Storey.
" Lammon .....		
" Corbett .....		Ormsby.
" Moody .....		Lander.
" Scott .....		Humboldt.
" Moulton .....		Washoe.
" Doolin .....		Nye.
" Waller .....		Churchill.
" Randall .....		Lincoln.
" Barney .....		Lyon.
" Mayhugh .....		Esmeralda.
" Small .....		Douglas.

Assembly Bill No. 20, "An Act prescribing Rules and Regulations for the Execution of the Trust arising under the Act of Congress, 'An Act for the Relief of the Inhabitants of Towns and Cities upon the Public Lands,' approved March 2d, 1867."

The Senate amendments were concurred in by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, King, Lammon, Mills, Moody, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—34.

Assembly Bill No. 53, "An Act to Incorporate Treasure City," re-referred to Lander County delegation.

Assembly Bill No. 19, "An Act to provide for the Incorporation of the Grand Lodge of the Independent Order of Good Templars, and its Subordinate Lodges."

Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, King, Lammon, Mayhugh, Moody, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—32.

Senate Bill No. 86, "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies and the Management of the Affairs thereof, and other matters relating thereto,' approved March 22d, 1865," March —, 1866.

Read third time, and passed by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford,

Hanson, King, Lammon, Mills, Moody, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—34.

NAYS—Mr. Mayhugh—1.

Constitutional amendment No. 13.

On motion of Mr. Mayhugh, it was placed at the bottom of the file.

Constitutional amendment No. 14.

On motion of Mr. Hillyer, it was made the special order for Tuesday next, at 12 o'clock M.

Substitute for Assembly Bill No. 2, "An Act to define and establish the Boundary Line between the Counties of Nye, Churchill, and Esmeralda."

On motion of Mr. Hillyer, the bill and substitute were re-referred to Committee on Counties and County Boundaries.

On motion of Mr. Burlingame, at 2 o'clock and 20 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

### THIRTY-EIGHTH DAY.

WEDNESDAY, February 10th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Fraser.

Journal read, corrected and approved.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report, that they have carefully read and compared the following named Assembly Bills with the engrossed copies, and have found the same correctly engrossed, namely:

Assembly Bill No. 57, entitled "An Act for the Benefit of Married Women, in insuring the Lives of their Husbands."

Also, Assembly Bill No. 64, entitled "An Act to aid in the erection of the National Lincoln Monument."

J. S. MAYHUGH,  
Chairman.

*Mr. Speaker:*

Your Committee on claims, to whom was referred Assembly Bill No. 87, "An Act to authorize the Board of Examiners to allow certain Claims against the State," have had the same under consideration, report the same back, and recommend its passage.

Also, Senate Bill No. 93, "An Act directing the Board of County Commissioners of Lander County to audit and allow certain Claims," have had the same under consideration, and directed their Chairman to report the same back, with the recommendation that the bill be referred to the Lander County delegation.

S. C. WRIGHT,  
Chairman.

MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, February 10th, 1869. }

*To the Hon. Assembly of Nevada:*

I have this day approved the following Assembly Bills, namely:

No. 4, "An Act to provide for the payment of the Indebtedness of Esmeralda County."

No. 34, "An Act in relation to Changing the Names of Individuals."

No. 25, "An Act to amend Section 7 of an Act entitled 'An Act to repeal an Act entitled "An Act to authorize the Incorporation of the Town of Aurora to the City of Aurora, approved February 9th, 1864," and to provide for the payment of the Indebtedness thereof,' approved February 17th, 1866."

No. 45, "An Act to amend an Act entitled 'An Act to amend Chapter 113 of the Statutes of 1866, entitled "An Act to consolidate and pay certain Indebtedness of the County of Ormsby," approved March 12th, 1866,' approved March 4th, 1867."

H. G. BLASDEL,  
Governor.

GENERAL FILE.

Assembly Bill No. 64, entitled "An Act to aid in the erection of a National Lincoln Monument."

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Bowman, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, King, Lammon, Mayhugh, Moody, Potter, Randall, Richardson, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—29.

NAYS—Messrs. Burson, Burlingame, Clark, Cleveland, and Moulton—5.

SPECIAL ORDER.

Special order for 11.30 A.M., Substitute Assembly Bill No. 36.

On motion of Mr. Corbett, a call of the House was ordered.

Roll called.

Absent, Messrs. Hillyer and Mills.

Messrs. Hillyer and Mills appearing at the bar of the House, were admitted and excused.

On motion of Mr. Tennant, the further call of the House was dispensed with.

Substitute Assembly Bill No. 36, entitled "An Act for the erection of a State Capitol Building."

Read third time.

On motion, the bill was referred to a Special Committee of One, with instructions to strike out in Section 8, line one, the words "practicable after organizing," and insert the words "there shall be in said fund the sum of fifteen thousand dollars."

The Committee reported the bill back amended as per instructions.

On motion, the bill was referred to a Special Committee of one, consisting of Mr. Bowman, with instructions to strike out in Section 4, line one, the word "made," and insert the word "created."

The Committee reported the bill back amended as per instructions.

Mr. Welch moved to insert in Section 5 the following named Commissioners :

Mr. Fred. Statmuller.....	Ormsby
Mr. Geo. T. Davis.....	"
Mr. John Wagner.....	"
Mr. A. Klauber.....	Douglas
Mr. John H. Mills.....	Storey
Mr. M. D. Howell.....	Washoe
Mr. J. C. Hazlett.....	Lyons

Mr. Moulton moved to substitute the name of J. H. Sturtevant in place of M. D. Howell.

Carried, and original motion, as amended, adopted.

Mr. Welch was appointed a Special Committee of One, with instructions to insert the names in the bill.

The Committee reported the bill back to the House with the names inserted as per instructions.

On motion, Mr. Mayhugh was appointed a Special Committee of One, with instructions to strike out in Section 7, third line, after the word "electing" and before the word "their," the word "of," and insert the word "from."

Roll called, and passed by the following vote :

YEAS—Messrs. Barney, Bunker, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hanson, Hillyer, King, Mayhugh, Moulton, Richardson, Shakspeare, Shimmis, Small, Waller, Welch, Wright, and Mr. Speaker—21.

NAYS—Messrs. Anderson, Bowman, Brown, Burson, Clark, Cleveland, Coburn, Doolin, Hanford, Lammon, Mills, Moody, Potter, Randall, Rule, Scott, Tennant, and Woodworth—18.

Mr. Mayhugh moved to adjourn.

Upon which the ayes and noes were called for by Messrs. Coburn, Mills, and Potter, and the House refused to adjourn.

Ayes, 15 ; Noes, 23.

Mr. Welch gave notice that he would on to-morrow move to reconsider the vote by which Assembly Bill No. 36 was passed.

## REPORT OF STANDING COMMITTEE.

*Mr. Speaker :*

Your Committee, to whom was referred Senate Bill No. 90, entitled "An Act to amend an Act entitled 'An Act concerning Juries,' approved March 3d, 1866," report the same back, with the recommendation that it pass without amendment.

Also, Assembly Bill No. 90, entitled "An Act to provide for the Publication of Summons in certain cases," report the same back to the House, with recommendation that it do not pass, full provision having been made on the subject in the Practice Act now before the House.

C. J. HILLYER,  
Chairman Judiciary Committee.

## SPECIAL ORDER.

Special Order for 12 M., Assembly Bill No. 33, entitled "An Act to create the County of White Pine," to which Mr. Tennant introduced a substitute.

Read first time ; rules suspended ; read second time by title, ordered printed, and referred to Committee on Counties and County Boundaries.

Mr. Coburn presented Petition No. 9, relative to the organization of the County of White Pine.

Referred to Committee on Counties and County Boundaries.

Mr. Welch, by leave, introduced Assembly Bill No. 95, entitled "An Act to provide for the Payment of the Claim of John W. Keller against the City of Virginia."

Read first time ; rules suspended ; read second time by title.

Mr. Welch presented Petition No. 10, relative to the claim of John W. Keller.

Read, and bill and petition referred to the Virginia City portion of the Storey County delegation.

## REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill with the engrossed copy, as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval, viz :

Assembly Bill No. 35, "An Act to amend Section 44 of an Act entitled 'An Act to provide for Organizing and Disciplining the Militia of the State,' approved March 4th, A.D. 1865."

CHAS. D. KING,  
Chairman.

On motion of Mr. Moulton, at 1:20 P.M. the House took a recess for one hour.

In session—2:20 P. M.

Quorum present.

On motion, the House resolved itself into Committee of the Whole, Mr. Bowman in the chair, for the consideration of Senate Bill No. 90, entitled "An Act to amend an Act entitled 'An Act concerning Juries,' approved March 3d, 1866."

In time the Committee rose and reported the bill back to the House without amendment, and recommended that it be made the Special Order for Friday, February 12th, at 12 o'clock M.

On motion of Mr. Mayhugh, at 4 o'clock P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

### THIRTY-NINTH DAY.

THURSDAY, February 11th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Fraser.

Journal read and approved.

#### PETITIONS.

Mr. Anderson presented petition No. 11, asking for a reduction of the rates of toll in Storey County.

Read, and referred to the Committee on Corporations.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Claims to whom was referred Assembly Bill No. 37, "An Act for the Relief of A. M. Krutchnitts and his Bondsmen," have had the same under consideration, and respectfully beg leave to report that they find that for the two first quarters of Mr. Krutchnitts' administration as Assessor of Storey County, the assessment on the proceeds of mines and mining claims was made according to law. The fact seems to be that in the subsequent assessments of the same species of property, wherein a different basis and valuation was made, he acted upon the advice of the Board of County Commissioners and District Attorney of said County. Your Committee have consulted with the Hon. State Controller upon the subject, and that gentleman is of the opinion the Assessor is blameless in the matter. Your Committee believe that although Mr. Krutchnitts violated the law, he did so by the advice of the officers aforesaid, and without any intent to defraud the revenue. Taking into consideration these circumstances, we recommend that the bill do pass.

S. C. WRIGHT.  
Chairman.



*Mr. Speaker :*

Your Standing Committee on Elections, to whom was referred Senate Bill No. 69, entitled "An Act to amend an Act entitled 'An Act relating to Elections, the manner of Conducting and Contesting the same, Election Returns, and Cancassing the same, Fraud upon the Ballot Box, Destroying or attempting to Destroy the Ballot Box, Illegal or attempted Illegal Voting and Misconduct at Elections,' " beg leave to report that they have had the same under consideration, have come to a favorable conclusion thereon, and recommend its passage.

I. S. BURSON,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared the following named Assembly Bills, and found the same correctly engrossed, viz: Assembly Bill No. 27, entitled "An Act to authorize the County of Storey to pay a certain Bond."

Also, Assembly Bill No. 77, entitled "An Act to provide for the Education of the Deaf and Dumb and Blind of the State of Nevada."

J. S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Internal Improvements, to whom was referred Assembly Bill No. 59, have had the same under consideration, and beg leave to report the same back with the following amendments, and recommend its passage. Wherever the word "river" occurs in said bill insert the word "spring" immediately thereafter.

A. C. CLEVELAND,  
Chairman.

#### REPORT OF SELECT COMMITTEES.

*Mr. Speaker :*

Your Select Committee, to whom was referred Senate Bill No. 12, "An Act to provide for Fostering and Supporting the Nevada Orphan Asylum," a duly incorporated institution, located at Virginia City, Storey County, Nevada, have had the same under consideration, and directed their Chairman to report the same back to the House, and recommend its passage.

JOHN WELCH,  
GEO. I. LAMMON,  
J. K. BARNEY,  
JOHN S. MAYHUGH,  
JAS. W. SMALL,  
A. B. WALLER,  
ROBT. J. MOODY,  
R. H. SCOTT,  
F. B. RANDALL,  
WM. DOOLIN,  
W. H. CORBETT.

*Mr. Speaker :*

Your Committee appointed to confer with a like Committee from the Senate, on Assembly amendments to Senate Bill No. 16, beg leave to report that having

had the matter under consideration, the Senate Committee agreed to report to that body, and recommend that the Senate concur in the Assembly amendments.

Respectfully,  
W. H. CORBETT,  
Chairman.

At 11:30 A. M., Mr. Mayhugh moved to adjourn.

Upon which the ayes and noes were called for by Messrs. Mills, Mayhugh, and Woodworth, and motion lost.

YEAS—19.

NAYS—19.

On motion of Mr. Bowman, the Clerk was instructed to return to the Senate for their further consideration, Substitute Assembly Bill No. 21, "An Act to amend an Act entitled 'An Act concerning Official Bonds,' approved March 14th, 1865."

On motion of Mr. Tennant, at 11:32 minutes A.M. the House adjourned.

Approved,  
D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FORTIETH DAY.

FRIDAY, February 12th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Hammond.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Agriculture, to whom was referred Assembly Bill No. 8, "An Act to Protect Agriculture, and to Prevent Trespassing upon Private Property," have had the same under consideration, have come to the conclusion that the passage of such an Act, while it might be beneficial to the interests of some localities, it would operate as a hardship to the largest portion of such interests with this State; and beg leave to report the bill back to the House, and recommend that it do not pass.

R. H. SCOTT,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Counties and County Boundaries, to whom was referred Substitute Assembly Bill No. 33, introduced by Mr. Tennant, entitled "An Act to Create the County of White Pine," beg leave to report that they have had the same under consideration, and after due examination have come to an unfavorable conclusion thereon, and directed their Chairman to report a Substitute Bill by the Committee, and recommend its passage.

They also report back Assembly Bill No. 89, entitled "An Act to Create New Counties and Organize the same without Reconsideration."

All of which is respectfully submitted,

JOHN S. MAYHUGH,  
Chairman.

W. DOOLIN,  
C. D. KING,  
I. S. BURSON,  
GEO. F. MILLS,  
N. E. BUNKER,  
J. L. RICHARDSON,  
GEO. D. COBURN.

*Mr. Speaker :*

The Judiciary Committee, to whom was referred Assembly Bill No. 93, entitled "An Act Concerning Sheriffs," report the same back to the House, with the recommendation that it pass with the following amendment :

Strike out Section 44, and insert in lieu thereof the following :

"No Sheriff shall be compelled to execute any process or perform any service in a civil action unless the fees for such service are first tendered to him."

Also, Assembly Bill No. 65, entitled "An Act for the Limitation of the Hours of Labor," report the same back to the House, with the recommendation that it pass with the following amendments :

Strike out the word "either" in third line of Section 3, and after the word "day" in the sixth line of Section 3, insert the words "and shall attempt to use his authority to enforce the same."

Also, Assembly Bill No. 73, entitled "An Act to amend an Act entitled 'An Act to Regulate Fees and Compensation for Official and other Services in the State of Nevada, approved March 9th, 1865,'" report the same back to the House with the following amendments :

1st. Strike out the words "two dollars" wherever they occur in the bill, and insert in lieu thereof the words "three dollars."

2d. Strike out the word "contingent" in the 31st line of Section 1, and insert in lieu thereof the word "General," and recommend that further action thereon be postponed until the House has acted upon Senate Bill No. 90, "An Act Concerning Juries."

Also, Assembly Bill No. 91, entitled "An Act to amend an Act entitled 'An Act to Provide for the Condemnation of Real Estate, and other Property required for Mining Purposes, approved March 3, 1866,'" report the same back to the House with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 72, entitled "An Act to Prescribe the Number of Hours which shall Constitute a Legal Day's Labor in Certain Cases," report the same back with the recommendation that it do not pass.

Also, Assembly Bill No. 5, entitled "An Act to amend Section 1, of Chapter 89, of the Laws of 1866," report the same back to the House with the recommendation that it be indefinitely postponed, as the provisions therein contained are provided for in the Practice Act, now before the House.

Also, Assembly Bill No. 76, entitled "An Act to amend an Act entitled 'An

Act in relation to Fines," report the same back with the recommendation that it do pass.

Also, Senate Bill No. 11, entitled "An Act to Provide for Preserving Evidence of the Official Acts of Officers taking Acknowledgments, &c.," report the same back with the recommendation that it pass.

Also, Senate Bill No. 44, entitled "An Act to amend Section 99 of 'An Act to regulate the Civil Jurisdiction and Practice in Justices' Courts, and to Consolidate into one Act former provisions on that subject, approved February 26th, 1866,'" report the same back with the recommendation that it be indefinitely postponed, as the provisions therein contained are incorporated in the Practice Act.

Also, Assembly Bill No. 67, entitled "An Act to amend an Act concerning Civil Cases in Justices' Courts," report the same back with the recommendation that it do not pass.

C. J. HILLYER,  
Chairman.

*Mr. Speaker :*

The undersigned, a member of the House Standing Committee on Judiciary, respectfully makes the following minority report on Assembly Bill No. 67, "An Act entitled 'An Act to amend an Act concerning Civil Cases in Justices Courts.'" Believing that the amendment proposed to Section 10 by the bill under consideration would not work any injustice to defendants, but that it would be the means of avoiding much trouble and delay to which plaintiffs are now subject, I am in favor of said amendment. I am also in favor of the amendment proposed to Section one hundred and two, the objection to which was the principal objection urged in Committee against the bill under consideration for the following reasons :

1st. I claim that Constables are the proper and legal officers to serve all processes issued by Justices of the Peace.

2d. The amendment proposed does not prohibit the Sheriff from serving any such process, but only confers concurrent jurisdiction on Constables in the service of all papers and processes issued by Justices of the Peace, which to my mind is clearly contemplated by law.

Respectfully submitted,  
JOHN BOWMAN.

#### RESOLUTIONS.

By Mr. Welch :

*Resolved,* That the Senate be requested to return to the House, Assembly Substitute Bill No. 36, passed the Assembly February 10th, 1869.

Upon which the ayes and noes were called for by Messrs. Woodworth, Tennant, and Welch.

Mr. Mayhugh moved to lay the resolution on the table.  
Pending which Mr. Wright moved a call of the House.  
Lost.

Mr. Mayhugh moved to adjourn.  
Lost.  
And motion to lay on the table lost.

Mr. Corbett moved to indefinitely postpone the resolution.

Mr. Cleveland moved the previous question on indefinite postponement.

Upon which the ayes and noes were called for by Messrs. Woodworth, Welch, and Tennant, and lost :

YEAS—Messrs. Barney, Bunker, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hillyer, King, Moulton, Richardson, Shakspeare, Shimmin, Small, Wright, and Mr. Speaker—17.

NAYS—Messrs. Anderson, Bowman, Brown, Burson, Clark, Cleveland, Coburn, Doolin, Hanford, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Scott, Tennant, Waller, Welch, and Woodworth—21.

Mr. Tennant moved the previous question.

The question being, Shall the main question be now put ?

Upon which the ayes and noes were called for by Messrs. Moulton, Hillyer, and Woodworth, and main question sustained :

YEAS—Messrs. Anderson, Bowman, Brown, Burson, Clark, Cleveland, Coburn, Doolin, Hanford, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Scott, Tennant, Waller, Welch, and Woodworth—21.

NAYS—Messrs. Barney, Bunker, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hillyer, King, Moulton, Richardson, Shakspeare, Shimmin, Small, Wright, and Mr. Speaker—17.

Mr. Hillyer moved a call of the House.

Mr. Tennant raised the point of order that no other business was in order during the operation of the previous question.

The Speaker ruled the point of order not well taken, and ruled a call of the House in order.

Mr. Tennant appealed from the decision of the Chair.

#### SPECIAL ORDER FOR TWELVE M.

Mr. Tennant moved to postpone the special order until after the business before the House was disposed of.

Mr. Mayhugh moved to lay the motion on the table.

Upon which the ayes and noes were called for by Messrs. Mayhugh, Woodworth, and Welch, and motion lost :

YEAS—Messrs. Barney, Bunker, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hillyer, King, Mayhugh, Moulton, Richardson, Shakspeare, Shimmin, Small, Wright, and Mr. Speaker—18.

NAYS—Messrs. Anderson, Bowman, Brown, Burson, Clark, Cleveland, Coburn, Doolin, Hanford, Lammon, Mills, Moody, Potter, Randall, Rule, Scott, Tennant, Waller, Welch, and Mr. Woodworth—20.

Mr. Mayhugh moved to adjourn.

Upon which the ayes and noes were called for by Messrs. Mayhugh, Hillyer, and Wright, and motion lost.

YEAS—17.

NAYS—21.

The ayes and noes were called for on the postponement of the special order by Messrs. Wright, Mills, and Mayhugh, and motion carried.

YEAS—20.

NAYS—18.

Mr. Tennant withdrew his appeal from the decision of the Chair on the call of the House.

Mr. Mayhugh renewed the appeal.

Upon which the ayes and noes were called for by Messrs. Hillyer, Mayhugh, and Moulton, and Chair not sustained.

YEAS—18.

NAYS—19.

Mr. Hillyer moved to adjourn.

Upon which the ayes and noes were called for by Messrs. Corbett, Mayhugh, and Moulton, and motion lost.

YEAS—17.

NAYS—21.

Mr. Mayhugh was called to order, and not acknowledging the authority of the Speaker, was placed under arrest.

Mr. Tennant moved that Mr. Mayhugh be released from arrest.

Upon which the ayes and noes were called for by Messrs. Corbett, Wright, and Hillyer.

And motion carried.

AYES—20.

NAYS—17.

Mr. Hillyer moved a call of the House.

Upon which the ayes and noes were called for by Messrs. Burlingame, Wright, and Corbett.

Mr. Brown raised the point of order that the House had overruled the decision of the Chair, which was in favor of the call of the House.

The Chair ruled the point of order not well taken.

Roll called, and motion lost.

AYES—18.

NAYS—19.

The question recurring upon the adoption of the Resolution, the roll was called and resolution adopted.

YEAS—Messrs. Anderson, Bowman, Brown, Burson, Burlingame, Clark, Cleveland, Coburn, Doolin, Hanford, Lammon, Mills, Moody, Moulton, Potter, Randall, Rule, Scott, Tennant, Waller, Welch, and Woodworth—22.

NAYS—Messrs. Barney, Bunker, Corbett, Dangberg, Davis, Ford, Gray, Hillyer, King, Mayhugh, Richardson, Shakspeare, Shimmin, Small, Wright, and Mr. Speaker—16.

Mr. Burlingame, gave notice that he would on to-morrow move to reconsider the vote by which the resolution was passed.

Mr. Tennant moved that the Clerk be directed to communicate to the Senate the action of the House in regard to the resolution.

Mr. Speaker decided the motion out of order.

Mr. Tennant appealed from the decision of the Chair.

Mr. Corbett moved to take up the special order.

Mr. Tennant moved to postpone the special order.

Mr. Mayhugh moved to lay the motion on the table.

Lost.

YEAS—17.

NAYS—21.

Mr. Mayhugh moved that the House resolve itself into the Committee of the Whole for the consideration of special order.

Upon which the ayes and noes were called for by Messrs. Clark, Coburn, and Mayhugh, and motion lost.

YEAS—18.

NAYS—20.

Mr. Corbett moved to adjourn.

Upon which the ayes and noes were called for by Messrs. Potter, Welch, and Burlingame, and motion lost.

YEAS—13.

NAYS—23.

Mr. Mayhugh was again placed under arrest.

Mr. Tennant moved that Mr. Mayhugh be released.

Mr. Bowman moved as an amendment that Mr. Mayhugh be brought before the House, reprimanded by the Chair, and released.

Agreed to.

Mr. Mayhugh was brought in and released in accordance with the above motion.

The question recurring upon the motion of Mr. Tennant to notify the Senate of the action of the House, it was carried.

#### RESOLUTIONS.

By Mr. Mayhugh :

WHEREAS, It has been the custom in all Legislative bodies in the United States, since the death of that great and good man, General George Washington, (the Father of his Country) to adjourn in honor of that day that gave birth to the Hero that fought our Revolutionary battles ; the Statesman that founded our Constitution and Laws upon a Republican basis ; and,

WHEREAS, Abraham Lincoln, the second savior of our country, was assassinated by a dastardly coward while in the discharge of his patriotic duty in maintaining the Constitution in all its parts unimpaired, and the laws made in pursuance thereof, in obedience to the mandates of twenty millions of free people, therefore, be it

*Resolved*, That this House do now adjourn in honor of the day (February 12th) on which was born the martyred patriot, Abraham Lincoln.

Laid temporarily on the table.

Mr. Hillyer offered a resolution in regard to the Journal.  
Subsequently withdrawn.

On motion of Mr. Woodworth, at 1:45 minutes P.M. the House took a recess for one hour.

In session—2:45 P. M.  
Quorum present.

Mr. King, by leave, introduced Assembly Bill No. 96, entitled "An Act to amend an Act to provide a Fund for the payment of the Salaries of the District Judges of this State, and to regulate the disposition of the same, approved March 1st, 1866."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

On motion of Mr. Corbett, the special order was postponed for the purpose of taking up Senate messages.

#### SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 10th, 1869. }

*To the Hon. the Assembly:*

I am instructed to request your honorable body to return to the Senate, Assembly Bill No. 21, "An Act to amend an Act entitled 'An Act concerning Official Bonds,' approved March 14th, 1865," for their further consideration.

I am also instructed to transmit for the consideration of your honorable body, Senate Joint Resolution No. 19, "Relative to Annexation to Nevada of that portion of Idaho Territory lying South of Snake River."

Also, Senate Bill No. 58, "An Act to provide for the Liquidation and Payment of certain Claims against the City of Virginia."

Also, Senate Bill No. 103, "An Act to transfer certain Funds."

The above bills having this day passed the Senate.

Also, Senate Bill No. 81, "An Act supplementary to an Act entitled 'An Act defining the duties of the State Treasurer,' approved February 2d, 1866," the same having this day passed the Senate.

I also return to your honorable body, Assembly Bill No. 50, "An Act to incorporate the Town of Gold Hill," with the following amendments:

Amend Section 2 by inserting between the words "of" and "main" in the seventh line, the words "center of."

Amend Section 16 by adding to the second subdivision, after the last word "property," the following:

"*Provided*, That they shall have further power, when in the opinion of the School Trustees it may become necessary and expedient, to levy an additional



tax not to exceed five (5) cents on each and every one hundred dollars' valuation of all property, for the continuous maintenance of the public schools of said town, said tax to be collected at the same time and in the same manner as other taxes in this Act provided for," the same having this day passed the Senate as amended.

Respectfully,  
CHAS. F. BICKNELL,  
Ass't Secretary Senate.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 11th, 1869. }

*To the Hon. the Assembly:*

I am instructed to inform your honorable body that the Senate this day have appointed Messrs. Grey, Brown, and Hazard, a Committee of Conference to act with the Committee appointed from the Assembly to consider Substitute for Assembly Bill No. 21, "An Act to amend an Act entitled 'An Act concerning Official Bonds,' approved March 14th, 1865."

I also have the honor to herewith transmit for the consideration of your honorable body, Senate Bill No. 91, "An Act to amend an Act entitled 'An Act to provide Revenue for the support of the Government of the State of Nevada,' approved March 8th, 1865."

Also, Senate Bill No. 108, "An Act to relinquish title to, and granting Jurisdiction over, certain property in this State, to the United States," the above bills having this day passed the Senate.

I also am instructed to return to your honorable body, Assembly Bill No. 13, "An Act to amend an Act to create a Board of County Commissioners in the several counties of this State, and to define their Duties and Powers, approved March 8th, A.D. 1865," with the following amendment:

In Section 3, tenth line, strike out the word "forty" and insert "twenty," the same having this day passed the Senate as amended.

Respectfully,  
CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

On motion of Mr. Corbett, Senate Bill No. 108, as per message, was taken up.

Read first time; rules suspended; read second time by title; rules further suspended, read third time and passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—36.

#### SPECIAL ORDER.

On motion, the House resolved itself into the Committee of the Whole for the consideration of Senate Bill No. 90, entitled "An Act to amend an Act entitled 'An Act concerning Juries,' approved March 3d, 1866."

In time, the Committee rose, reported the bill back to the House with amendments, and recommended its passage as amended.

Report adopted, and Committee discharged.

On motion of Mr. Woodworth, Senate Bill No. 90, as reported from the Committee of the Whole, was read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Shakspeare, Shimmin, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—29.

NAYS—Messrs. Bunker, Clark, Doolin, Hanford, Moulton, Richardson, Scott, Small, and Waller—9.

On motion of Mr. Woodworth, the resolutions relative to the anniversary of the birthday of Abraham Lincoln were taken from the table and adopted, and At 4:36 P. M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FORTY-FIRST DAY.

SATURDAY, February 13th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Anderson and Hanson.

Prayer by the Rev. Mr. Hammond.

Journal read, corrected and approved.

Mr. Potter asked leave of absence for Mr. Anderson for one day.

Leave granted.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to whom was referred Assembly Bill No. 29, entitled "An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," with full power to perfect the same, report it back to the House with a Substitute Bill, and recommend the passage of said Substitute.

Also, Assembly Bill No. 96, entitled "An Act to amend an Act to provide a Fund for the payment of the Salaries of the District Judges of this State, and to regulate the disposition of the same, approved March 1st, 1866," report the same back to the House, with the following amendments, and recommend its passage :

1st. Amend by inserting "*quarterly*" instead of "*monthly*" in line 11, Section 1, and line 13 of same Section.

2d. By striking out of lines 31 and 32 the words "*said monthly compensation*" and insert, in lieu thereof, the words "*the monthly compensations of said Judges as fixed by law.*"

C. J. HILLYER,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Public Morals, to whom was referred Assembly Bill No. 88, entitled "An Act to Prohibit Gaming," have had the same under consideration, and beg leave to submit the following report :

Experience has fully demonstrated that prohibitory laws, such as that upon our Statute books and the bill above referred to, are but a dead letter and defied with impunity by the votaries of this vice, and your Committee believe that no Act prohibiting this vice can in any manner be made effectual; and while your Committee regard this as one among the worst of public evils practiced in our midst, yet we are satisfied that a prohibitory law will not in the least contribute to the suppression of said evil, but, on the contrary, will add another, to wit: The crime of setting at defiance the laws of our State. If, therefore, the votaries of this vice will, in defiance of all laws, openly and persistently practice the same, (and experience has fully demonstrated the fact) it is the opinion of your Committee that they, for the carrying on of such business, should be compelled to pay a license which would aid materially in the support of the Government which protects them as other citizens in all their legal rights.

To work the suppression or mitigate in some practicable manner the evils of this vice, is clearly the duty of this Legislature. The investigations of your Committee lead them to the certain conclusion that the only effectual mode of restricting gaming, is to *license* it *heavily*. This mode is prescribed by Assembly Bill No. 78, which, with some amendments, in the opinion of your Committee, will accomplish the desired result. The passage of this bill will, in our judgment, operate beneficially to our State, both morally and financially.

But very few, if any, will be able or willing to pay the heavy license required, and the practicable result will be: to close at once and forever hundreds of low dens and "dead falls" which now disgrace our principal towns, where the unsuspecting are lured on to destruction; and we trust that prejudice will not prevent any from fairly considering the matter; that a fear that it may legalize and make respectable the profession of gambling, will not be held as sufficient to justify the defeat of the only measure which can possibly reach this vice.

We, therefore, beg leave to report Assembly Bill No. 88 back to the House, without recommendation, and in its stead would present Assembly Bill No. 78, entitled "An Act to Restrict Gaming," which was also referred to your Committee, with a recommendation that it do pass.

W. D. GRAY,  
S. J. DAVIS,  
H. F. DANGBERG.

#### MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, {  
Carson City, February 12th, 1869. }

*To the Hon. the Assembly of Nevada:*

I have this day approved Assembly Bill No. 35, "An Act to amend Section 44 of an Act entitled 'An Act to provide for Organizing and Disciplining the Militia of the State,' approved March 4th, A.D. 1865."

H. G. BLASDEL.  
Governor.

Mr. King moved a suspension of the rules to take up Assembly Bill No. 96, entitled "An Act to amend an Act to provide a Fund for the Payment of the Salaries of District Judges of this State, and to Regulate the Disposition of the Same, approved March 1st, 1866."

Lost.

#### GENERAL FILE.

Substitute for Assembly Bill No. 27, entitled "An Act to authorize the County of Storey to Pay a Certain Bond."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Burson, Burlingame, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—31.

NAYS—Messrs. Bunker, Clark, and Moulton—3.

Assembly Bill No. 77, entitled "An Act to provide for the Education of the Deaf and Dumb and Blind of the State of Nevada."

Read third time.

Mr. Woodworth moved that a Committee of one be appointed to strike out the words "*Secretary of State*" wherever they occur in the bill, and insert the words "*Controller of State*."

Mr. Welch moved to insert "the Governor."

Withdrawn, and original motion agreed to.

Mr. Speaker appointed Mr. Woodworth said Committee, who reported the bill back, amended as per instructions.

Roll called, and bill passed :

YEAS—Messrs. Barney, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—35.

Assembly Bill No. 57, entitled "An Act for the Benefit of Married Women in Insuring the Lives of their Husbands."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—32.

NAYS—Mr. Moulton—1.

Senate Bill No. 93, entitled "An Act to authorize the County Commissioners of Lander County to Audit and Allow certain Claims."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Burson, Burlingame, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—30.

NAYS—Messrs. Bunker, Clark, Cleveland, and Hanford—4.

Assembly Bill No. 90, entitled "An Act to provide for the Publication of Summons in certain Cases."

On motion of Mr. Welch, indefinitely postponed.

Assembly Bill No. 87, entitled "An Act to authorize the Board of Examiners to Allow certain Claims against the State."

Ordered engrossed.

Senate Bill No. 12, entitled "An Act to provide for Fostering and Supporting the Nevada Orphan Asylum, a duly Incorporated Benevolent Institution, located at Virginia City, Storey County, State of Nevada."

On motion of Mr. Cleveland, made Special Order for next Wednesday, February 17th, at 12 M.

Senate Bill No. 69, entitled "An Act to amend an Act entitled 'An Act relating to Elections, the Manner of Conducting and Contesting the Same, Election Returns and Canvassing the Same, Fraud upon the Ballot Box, Destroying or Attempting to Destroy the Ballot Box, Illegal or Attempted Illegal Voting, and Misconduct at Elections,' approved March 9th, 1866."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hanford, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—31.

Assembly Bill No. 59, entitled "An Act to amend an Act entitled 'An Act to Allow any Person or Persons to Divert the Waters of any River or Stream, and Run the Same through any Ditch or Flume, and to provide for the Right of Way through the Lands of Others,' approved March 3d, 1866."

On motion of Mr. Cleveland, referred to Committee on Internal Improvements.

Assembly Bill No. 37, entitled "An Act for the Relief of A. M. Krutchnits and his Bondsmen."

On motion of Mr. Welch, rules suspended; considered engrossed; read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Potter, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Welch, Wright, and Mr. Speaker—31.

NAYS—Messrs. Tennant and Woodworth—2.

Mr. Woodworth moved to adjourn.  
Lost.

Mr. Burlingame, pursuant to notice, moved to reconsider the vote by which the Resolution recalling from the Senate Assembly Bill No. 36, was passed, upon which the ayes and noes were called for by Messrs. Welch, Burlingame, and Lammon, and motion lost:

YEAS—Messrs. Barney, Bunker, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hanson, Hillyer, King, Mayhugh, Moulton, Richardson, Shakspeare, Shimmie, Small, Wright, and Mr. Speaker—19.

NAYS—Messrs. Brown, Bowman, Burson, Clark, Cleveland, Coburn, Doolin, Hanford, Lammon, Mills, Moody, Potter, Randall, Rule, Scott, Tennant, Waller, Welch, and Woodworth—19.

On motion of Mr. Bowman, at 12:45 P.M. the House took a recess for 30 minutes.

In session.  
Quorum present.

Assembly Bill No. 8, entitled "An Act to Protect Agriculture, and to Prevent Trespassing of Animals upon Private Property."

On motion of Mr. Woodworth, indefinitely postponed.

On motion of Mr. Hillyer, the rules were suspended, and Substitute Assembly Bill No. 29, entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State, and to Repeal all other Acts in relation thereto."

The House resolved itself into Committee of the Whole.

Mr. Speaker in the chair, for the consideration of the bill.

In time the Committee rose, reported the bill back to the House with amendments, and recommended its engrossment.

Report adopted, and Committee discharged.

On motion of Mr. Lammon, at 1:55 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FORTY-THIRD DAY.

MONDAY, February 15th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Anderson, Burson, Ford, King, and Lammon.

Journal read and approved.

Mr. Barney asked leave of absence for Messrs. Ford and King for one day.  
Leave granted.

Mr. Potter asked for indefinite leave of absence for Mr. Anderson.  
Leave granted.

Also for Messrs. Burson and Lammon for one day.  
Leave granted.

## REPORT OF CONFERENCE COMMITTEE.

*To the Hon. Speaker of the Assembly :*

Your Committee of Conference, appointed to meet a like Committee on part of the Senate in reference to amendments adopted by the Assembly to Senate [Bill] No. 10, entitled "An Act to amend an Act entitled 'An Act to provide for the Formation of Corporations for certain purposes,' approved March 10th, 1865," would report that they have agreed with the Senate Committee to recommend the adoption of the amendments herewith reported, and recommend, on the part of the Assembly, the proposed amendments agreed on by the Joint Committee of the two Houses be adopted.

Amendments proposed by the Conference Committee: "*Provided*, That corporations organized for farming purposes shall be entitled to locate, enter, and purchase land under the laws of this State by and through their President, or Trustees, or any of them, or their managing agent, from the State of Nevada, other than swamp and overflowed lands, twelve hundred and eighty acres, and of the swamp and overflowed lands, twelve hundred and eighty acres; *provided further*, such corporations may hold by purchase all the lands deemed by them necessary for their corporate business purposes."

JOHN S. MAYHUGH,  
T. J. TENNANT,  
On the part of the Assembly.

Amendments reported from Joint Committee agreed to by the following vote:

YEAS—Messrs. Barney, Bunker, Bowman, Burlingame, Clark, Cleveland, Corbett, Davis, Doolin, Gray, Hanson, Hillyer, Mayhugh, Mills, Moulton, Randall, Richardson, Rule, Shimmin, Small, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—25.

NAYS—Messrs Brown, Coburn, and Scott—3.

## RESOLUTIONS.

By Mr. Tennant:

*Resolved*, That Rule No. 1 be so changed that on and after the sixteenth day of February, 1869, the House shall meet each day at 10 o'clock A.M., unless the same shall adjourn to some other time.

Laid over one day under the rule.

By Mr. Hillyer:

*Resolved*, That the allowance made for actual expenses of members of the Legislature under Section 33, Article IV, of the Constitution, be paid out of the Legislative Fund instead of out of the Contingent Fund as directed by a previous resolution.

Adopted.

Mr. Mayhugh introduced a preamble and resolution relative to the action of the House in the recall of Assembly Bill No. 36.

Ruled out of order.

## MESSAGES FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 12th, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith transmit for the consideration of your honorable body Senate Bill No. 97, "An Act to amend an Act entitled 'An Act prescribing the Mode of Maintaining and Defending Possessory Action on Public Lands in this State,' approved March 9th, 1865."

Also, Senate Bill No. 109, "An Act to amend an Act entitled 'An Act for the Incorporation of the Protestant Episcopal Churches in the United States of America in the Territory of Nevada,' passed by the Legislative Assembly of the Territory of Nevada, and approved December 19th, 1862."

Also, Senate Bill No. 5, "An Act for the relief of J. M. Woodworth."

All of the above bills having this day passed the Senate.

I also am instructed to inform your honorable body that the Senate have this day concurred in Assembly amendment to Senate Bill No. 54, "An Act to amend an Act entitled 'An Act to regulate Proceedings in Criminal Cases in the Courts of Justice in the Territory of Nevada,' approved November 26th, 1861."

Respectfully,

CHAS. F. BICKNELL,

Ass't Sec'y Senate.

Mr. Mayhugh was granted leave of absence.

Senate Bill No. 97, (as per message) entitled "An Act to amend an Act entitled 'An Act prescribing the Mode of Maintaining and Defending Possessory Action on Public Lands in this State,' approved March 9th, 1865."

Read first time; rules suspended; read second time by title, and passed on file.

Senate Bill No. 109, entitled "An Act to amend an Act entitled 'An Act for the Incorporation of the Protestant Episcopal Churches in the United States of America in the Territory of Nevada,' passed by the Legislative Assembly of the Territory of Nevada, and approved December 19th, 1862."



Read first time; rules suspended; read second time by title, and passed on file.

Senate Bill No. 5, entitled "An Act for the relief of J. M. Woodworth."

Read first time; rules suspended; read second time by title, and referred to the Humboldt delegation.

#### NOTICES.

Mr. Potter gave notice that he would, on some future day, introduce a bill entitled "An Act to establish a State Orphan Asylum."

Mr. Moulton, by leave, introduced Assembly Concurrent Resolution No. 27, relative to granting leave of absence to J. S. Shoemaker, County Clerk of Washoe County, Nevada, for five months.

Adopted unanimously.

Senate Bill No. 103, entitled "An Act to transfer certain Funds."

Read first time; rules suspended; read second time by title, and referred to the Humboldt delegation.

Senate Joint Resolution No. 19, relative to annexation to Nevada of that portion of Idaho Territory lying south of Snake River.

Read first time; rules suspended; read second time by title, and referred to Committee on Federal Relations.

Senate Bill No. 58, entitled "An Act to provide for the Liquidation and Payment of certain Claims against the City of Virginia."

Read first time; rules suspended; read second time by title, and referred to Storey County delegation.

Senate Bill No. 81, entitled "An Act supplementary to an Act defining the Duties of the State Treasurer."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Assembly Bill No. 50, entitled "An Act to incorporate the Town of Gold Hill."

Amendment of the Senate agreed to by the following vote:

YEAS—Messrs. Bowman, Brown, Bunker, Coburn, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, Hillyer, Mills, Moulton, Potter, Scott, Shakspeare, Shimmis, Small, Welch, and Mr. Speaker—20.

Senate Bill No. 91, entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 8th, 1865."

Read first time; rules suspended; read second time by title, and referred to Committee on Ways and Means.

Assembly Bill No. 13, entitled "An Act to amend 'An Act to create a Board of County Commissioners in the several Counties of this State, and to define their Duties and Powers,' approved March 8th, A.D. 1865."

Amendments of Senate non-concurred in by the following vote:

YEAS—Messrs. Bunker, Cleveland, Dangberg, Scott, Small, and Wright—6.

NAYS—Messrs. Bowman, Brown, Burlingame, Clark, Coburn, Davis, Doolin, Gray, Hanford, Hanson, Hillyer, King, Mills, Potter, Randall, Richardson, Rule, Shakspeare, Shimmin, Waller, Welch, Woodworth, and Mr. Speaker—23.

On motion of Mr. Bowman, a Committee of Conference was appointed upon Senate amendments to Assembly Bill No. 13.

Committee—Messrs. Bowman, Woodworth, and Randall.

Assembly Bill No. 67, entitled "An Act to amend 'An Act concerning Civil Cases in Justices' Courts.'"

Laid on the table temporarily.

Mr. Mills moved to take a recess for thirty minutes.

Mr. Cleveland moved to adjourn.

Lost.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill, viz : Assembly Bill No. 20, 'An Act prescribing Rules and Regulations for the execution of the trust arising under the Act of Congress, 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands,' approved March 2d, 1867," with the engrossed copy as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,  
Chairman.

On motion of Mr. Woodworth, at 18 minutes to 1 P.M. the House took a recess until 1.30 P.M.

In session—1.30 P.M.

No quorum present.

On motion of Mr. Waller, a call of the House was ordered.

Mr. King asked leave of absence for Mr. Barney.

Leave granted.

Mr. Wright asked leave of absence for Mr. Hanson.

Leave granted.

Roll called.

Absent—Messrs. Bowman, Brown, Bunker, Clark, Cleveland, Corbett, Dangberg, Doolin, Gray, Hanford, Hillyer, Mills, Moody, Randall, and Tennant.

Mr. Welch appearing at the bar of the House, was admitted and fined \$1.

Mr. Doolin appearing at the bar of the House, was admitted and fined \$1.

Mr. Brown appearing at the bar of the House, was admitted and fined \$1.

Mr. Moulton moved that all members now absent without leave, be admitted upon payment of a fine of \$1 each.

Carried.

Mr. Bowman being within the bounds of the Capitol building at the time of the call, was excused.

Mr. Corbett appearing, was fined \$1.

On motion of Mr. Hillyer, the proceedings under the call were dispensed with.

Assembly Bill No. 33, entitled "An Act to create the County of White Pine, and to provide for its organization."

On motion of Mr. Welch, made the special order for to-morrow, Tuesday, Feb. 16th, at 12 m.

Assembly Bill No. 89, entitled "An Act to create new counties, and organize the same."

On motion of Mr. Hillyer, indefinitely postponed.

Assembly Bill No. 93, entitled "An Act concerning Sheriffs."

Amendments of Committee adopted and bill ordered engrossed.

Assembly Bill No. 72, entitled "An Act to prescribe the Number of Hours which shall constitute a Legal Day's Labor in certain cases."

Passed on file.

Assembly Bill No. 65, entitled "An Act for the Limitation of the Hours of Labor."

Amendments of Committee adopted and bill ordered engrossed.

Assembly Bill No. 73, entitled "An Act to amend an Act entitled 'An Act to regulate Fees and Compensation for Official and other Services in the State of Nevada,' approved March 9th, 1865."

Laid temporarily on the table.

Assembly Bill No. 91, entitled "An Act to amend an Act entitled 'An Act to provide for the condemnation of Real Estate, and other property required for Mining purposes,' approved March 3d, 1866."

Indefinitely postponed.

Assembly Bill No. 96, entitled "An Act to amend 'An Act to provide a Fund for the payment of the Salaries of the District Judges of this State, and to regulate the disposition of the same,' approved March 1st, 1866."

Amendments of the Committee adopted.

Mr. Hillyer moved that the bill be ordered engrossed.

Mr. Welch moved to indefinitely postpone the bill.

Lost, and bill ordered engrossed.

A communication from the Secretary of State, relative to certain claims, was read, and on motion of Mr. Hillyer, the whole subject matter was referred to the Committee on Claims.

On motion of Mr. Wright, at 2:20 p.m. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FORTY-FOURTH DAY.

TUESDAY, February 16th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Father Gleeson.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on Internal Improvements, to whom was referred Assembly Bill No. 59, respectfully report the same back, and recommend its passage without amendment.

A. C. CLEVELAND,  
ROBT J. MOODY,  
W. BROWN,  
J. K. BARNEY,  
J. HANSON.

### REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Select Committee, the Humboldt delegation, to whom was referred Senate Bill No. 103, entitled "An Act to transfer certain Funds," have had the same under consideration, and report it back, recommending its passage.

J. M. WOODWORTH,  
R. H. SCOTT,  
T. W. RULE.

## MESSAGE FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, February 15th, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith transmit for your consideration, Senate Bill No. 125, "An Act to prevent the spread of Contagious Diseases," the same having this day passed the Senate under a suspension of the rules.

YEAS—20.

NAYS—0.

Respectfully,

CHAS. F. BICKNELL,  
 Ass't Sec'y Senate.

Senate Bill No. 125, as per message.

Read first time; rules suspended; read second time by title; rules further suspended; read third time and passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—38.

Mr. Small, by leave, introduced Assembly Bill No. 107, entitled "An Act to amend an Act entitled 'An Act to regulate Rafting and running Timber and Wood on the Rivers in the State of Nevada.'"

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

REPORT OF COMMITTEE ON COUNTY AND COUNTY BOUNDARIES.

*Mr. Speaker:*

Your Standing Committee on County and County Boundaries, to whom was referred Assembly Bill No. 2, entitled "An Act to define and establish the Boundary Line between the County of Nye and the Counties of Esmeralda and Churchill;" also Substitute Assembly Bill, entitled "An Act to establish the Boundary Line between the Counties of Nye and Esmeralda," beg leave to report that they have had the beforementioned bills under consideration, and have directed their Chairman to report said bills back, and recommend that they do not pass.

Your Committee further report a Substitute Bill for the whole subject matter, and recommend the passage thereof.

JOHN S. MAYHUGH,  
 Chairman.

Mr. Hillyer introduced Assembly Joint Resolution No. 28, relative to Mount Vernon Property.

Read first time; rules suspended; read second time by title, and placed on file.

Mr. Potter, pursuant to notice, introduced Assembly Bill No. 108, entitled "An Act for the erection of a State Orphan Asylum, and to provide for the same."

Read first time; rules suspended; read second time by title, and referred to a select Committee of one from each county, and two from Storey County.

GENERAL FILE.

Assembly Bill No. 5, entitled "An Act to amend Section 1 of Chapter 89 of the Laws of 1866."

On motion of Mr. Burlingame, indefinitely postponed.

Assembly Bill No. 76, "An Act to amend an Act entitled 'An Act in relation to Fines.'"

Ordered engrossed.

Senate Substitute Bill No. 11, entitled "An Act to amend an Act entitled 'An Act to provide for the appointment of Notaries Public, and defining their duties,' approved February 9th, 1864."

Read third time and passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Cleveland, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Mayhugh, Mills, Moody, Randall, Rule, Scott, Shakspeare, Shimmmin, Small, Tennant, Waller, Wright, and Mr. Speaker—29.

NAYS—Mr. Lammon—1.

On motion of Mr. Gray, at 11.57 A.M. the House took a recess until 12.45 P.M.

In session—12.45 P.M.

Quorum present.

Mr. Speaker announced the following Select Committee on Assembly Bill No. 107, "An Act for the erection of a State Orphan Asylum, and to provide for the same:"

Mr. Mayhugh.....	Esmeralda
Mr. Potter.....	Storey
Mr. Gray.....	"
Mr. Barney.....	Lyon
Mr. Mills.....	Lander
Mr. Doolin.....	Nye
Mr. Scott.....	Humboldt
Mr. Moulton.....	Washoe
Mr. Small.....	Douglas
Mr. Waller.....	Churchill
Mr. Randall.....	Lincoln
Mr. Corbett.....	Ormsby

SPECIAL ORDER FOR TWELVE M.

Proposed amendment No. 14 to the Constitution.

Mr. Burlingame moved to postpone the special order for twenty minutes.

Agreed to.

Assembly Bill No. 33, and substitutes.

On motion of Mr. Mills, made the special order for to-morrow, February 17th, at 12 M.

Assembly Bill No. 11, entitled "An Act to amend an Act entitled 'An Act to regulate Fees and Compensations for official and other Services in the State of Nevada,' approved March 9th, 1865."

On motion of Mr. Welch, indefinitely postponed.

The Resolution in relation to changing the time of meeting from 11 to 10 A.M. was taken up and adopted.

Under the consideration of the general file, proposed Constitutional amendment No. 14 was taken up.

Mr. Speaker moved to make the resolution the special order for to-morrow at 12 M.

Amendment of Mr. Welch, to make it the special order for Thursday eve at 7 P.M., accepted as original motion.

Mr. Cleveland moved as a substitute that the resolution be made the special order for Saturday, February 20th, at 12 M.

Agreed to.

On motion of Mr. Burlingame, at 2.36 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FORTY-FIFTH DAY.

WEDNESDAY, February 17th, 1869.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Bunker, Burson, Clark, Cleveland, Corbett, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Tennant, Waller, Welch, and Wright.

On motion of Mr. Doolin, a call of the House was ordered.

Roll called.

Absent—Messrs. Bunker, Burson, Clark, Cleveland, Corbett, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Small, Tennant, Waller, Welch, and Wright.

Messrs. Hanson and Welch appearing at the bar of the House, were admitted and excused.

On motion of Mr. Doolin the further call of the House was dispensed with.

Prayer by the Rev. Mr. Fraser.  
Journal read and approved.

# SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 15th, 1869. }

*To the Hon. the Assembly:*

I am instructed to transmit to your Hon. body for your consideration, Senate Substitute Bill No. 52, "An Act amendatory of an Act entitled 'An Act for the Maintenance and Supervision of Public Schools,' approved March 20th, 1865," and the Acts amendatory thereof, the same having passed the Senate this day.

I also return to your Hon. body Assembly Bill No. 64, "An Act to aid in the Erection of the National Lincoln Monument," the same having this day passed the Senate.

I also am instructed to inform your Hon. body, that the Senate have this day concurred in Assembly amendments to Senate Bill No. 16, "An Act to confer upon Curtis H. Lindley, a minor, the powers, privileges and responsibilities of an adult."

Respectfully,  
CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 16th, 1869. }

*To the Hon. the Assembly:*

I am instructed to return to your Hon. body substitute for Assembly Bill No. 36, "An Act for the erection of a State Capitol Building, the same having passed the Senate on February 15th, 1869." Same day notice of motion of reconsideration given.

February 16th, Senate refused to reconsider the vote whereby the bill passed.

I also am instructed to inform your Hon. body, that Messrs. Hall, Mullen, and Hurd were this day appointed a Committee of Conference, to act with the Committee appointed by the Assembly to consider amendments to Assembly Bill No. 13, "An Act relating to County Commissioners."

Respectfully,  
CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Senate Substitute Bill No. 52, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on Education.

Senate Bill No. 44, entitled "An Act to amend Section 99 of an Act to regulate the Civil Jurisdiction and Practice in Justices' Courts, and to consolidate into one Act former provisions on the subject," approved February 26th, 1866."

Indefinitely postponed.

Assembly Bill No. 88, entitled "An Act to prohibit Gaming."  
Laid on the table temporarily.



Assembly Bill No. 78, entitled "An Act to restrict Gaming."  
Made the special order for 1 o'clock P.M. to-day.

Senate Bill No. 109, entitled "An Act to amend an Act entitled 'An Act for the Incorporation of the Protestant Episcopal Churches in the United States of America in the Territory of Nevada,' passed by the Legislative Assembly of the Territory of Nevada and approved December 19th, 1862."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, Lammon, Moody, Moulton, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Mr. Speaker—24.

Senate Bill No. 97, entitled "An Act to amend an Act entitled 'An Act prescribing the mode of Maintaining and Defending possessory action on Public Lands in this State,' approved March 9th, 1865."

Read third time and lost :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burlingame, Coburn, Davis, Doolin, Gray, Hanford, Hanson, Lammon, Moody, Randall, Small, Tennant, Waller, Woodworth, and Mr. Speaker—19.

NAYS—Mr. Dangberg.

Mr. Dangberg gave notice that he would on to-morrow move to reconsider the vote by which Senate Bill No. 97 was lost.

Senate Bill No. 103, entitled "An Act to transfer certain Funds."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, Lammon, Mayhugh, Mills, Moody, Moulton, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—30.

Assembly Bill No. 59, entitled "An Act to amend an Act entitled 'An Act to allow any person or persons to divert the waters of any River or Stream, and run the same through any Ditch or Flume, and to provide for the Right of Way through the Lands of others,' approved March 3, 1866."

Ordered engrossed.

Assembly Bill No. 2, with substitute, entitled "An Act to define the Boundary Line between the County of Nye and the Counties of Churchill and Esmeralda."

Referred to Esmeralda delegation.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Claims to whom was referred the claims of Jonathan Williams for the sum of \$1,229.25 for printing and for service as one of the Selectmen of Carson County, Utah Territory, have had the same under consideration, and from the evidence given before your Committee think the claim just and equitable, and said Williams should be allowed his pay out of some fund of the

State. Your Committee are aware that a similar claim was passed at the last session of the Legislature. Your Committee submit the following bill and recommend its passage.

S. C. WRIGHT,  
Chairman.

Assembly Bill No. 110, reported from Committee, entitled "An Act for the relief of Jonathan Williams."

Read first time; rules suspended; read second time by title, and passed on file.

*Mr. Speaker:*

Your Standing Committee on Corporations to whom was referred Assembly Bill No. 38, entitled "An Act to amend an Act entitled 'An Act to provide for the Incorporations of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto,'" beg leave to report that they have had the same under consideration, and have directed their Chairman to report the bill back without recommendation.

GEO. I. LAMMON,  
Chairman.

Assembly Joint Resolution No. 28, relative to Mount Vernon property.

Ordered engrossed.

Proposed Constitutional Amendment No. 13.

Ordered engrossed.

Assembly Bill No. 38, entitled "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies, and the management of the affairs thereof and other matters relating thereto,' approved March 22, 1865."

Ordered engrossed.

#### SPECIAL ORDER.

Senate Bill No. 12, entitled "An Act to provide for Fostering and Supporting the Nevada Orphan Asylum, a duly incorporated Benevolent Institution located at Virginia City, Storey County, State of Nevada."

Mr. Woodworth moved to refer the bill to the Select Committee on State Orphan Asylum Bill.

Agreed to.

#### REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

*Mr. Speaker:*

Your Standing Committee on Contingent Expenses, to whom was referred the contingent expenses of the Assembly, beg leave to report that they have examined the vouchers in the hands of the Sergeant-at-Arms, and find them correct, and recommend that he be instructed to draw warrants in favor of the several parties as per vouchers, amounting in all to twenty-one hundred and thirty-four dollars and eighty-seven and a half cents.

Respectfully submitted,

A. K. POTTER,  
THOMAS C. FORD,  
A. C. CLEVELAND,  
J. L. RICHARDSON,  
E. CLARK.

## RESOLUTION.

By Mr. Hillyer :

*Resolved*, That the Committee on Contingent Expenses be requested to report to-morrow, if possible, the amount of contingent expenses of this body in detail to date, and that hereafter they be requested to report weekly on the condition of said expenses.

Adopted.

## REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared substitute for Assembly Bill No. 36, viz: "An Act for the erection of a State Capitol Building," with the engrossed copy as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,  
Chairman.

On motion of Mr. Mills, the House resolved itself into Committee of the Whole, Mr. Cleveland in the Chair, for the consideration of special order, Substitute Assembly Bill No. 33, entitled "An Act to create the County of White Pine, and to provide for its organization."

In time, the Committee rose, reported progress, and asked leave to sit again.  
Leave granted.

On motion of Mr. Doolin, at 12:20 P. M. the House took a recess for one hour.

In session—1:20 P.M.  
Quorum present.

On motion the House resolved itself into Committee of the Whole, Mr. Mills in the chair, for the consideration of Assembly Bill No. 33, entitled "An Act to create the County of White Pine, and to provide for its organization."

In time, the Committee rose, reported the Bill back to the House, amended, and recommended that it be engrossed.

Report adopted, and Committee discharged.

Mr. Corbett rose to a question of privilege, in relation to the report of the State Librarian.

On motion, Mr. Burlingame and Corbett were appointed a Committee of Two to make enquiry of the State Librarian in regard to the report of that officer.

## SPECIAL ORDER.

Assembly Bill No. 78, entitled "An Act to restrict Gaming," taken up.

On motion the House resolved itself into Committee of the Whole, Mr. Corbett in the chair, for the consideration of the bill.

In time, the Committee rose, reported the bill back to the House amended, and recommended its engrossment.

Report adopted, and bill ordered engrossed.

Mr. Welch, pursuant to notice, introduced Assembly Bill No. — entitled “An Act to provide for the Care of the Insane of the State of Nevada, and to create a Fund for that purpose.”

Read first time; rules suspended; read second time by title, and referred to Committee on State Institutions.

Mr. Cleveland, by leave, introduced the following resolution:

*Resolved*, That one thousand copies of Mr. Hillyer's speech on the right of Woman Suffrage be and is hereby ordered printed for the use of this House, as soon as possible.

Unanimously adopted.

Mr. Cleveland asked leave of absence for the day.

Leave granted.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker:*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill, viz: “An Act to aid in the erection of the National Lincoln Monument,” with the engrossed copy, as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,  
Chairman.

Mr. Doolin moved to adjourn.

Lost.

On motion, Senate Messages were taken up.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 17th, 1869. }

*To the Hon. the Assembly:*

I am instructed to inform your honorable body that Messrs. Tritle, Mason, and Hazard were this day appointed a Committee of Free Conference, to act with a like committee to be appointed by the Assembly, to consider the proposed amendment to Senate Bill No. 10, “An Act to provide for the formation of Corporations for certain purposes,” etc.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

On motion, Messrs. Bowman, Hillyer, and Coburn were appointed a Committee of Free Conference to confer with a like Committee of the Senate, on Senate Bill No. 10.

On motion of Mr. Corbett, at 3 P.M. the House adjourned.

Approved.

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FORTY-SIXTH DAY.

THURSDAY, February 18th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent, Messrs. Hillyer, Moody, Rule, and Waller.

Prayer by the Rev. Mr. Fraser.

Journal read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Federal Relations, to whom was referred Senate Joint Resolution relative to annexation to Nevada of that portion of Idaho Territory lying south of Snake River, beg leave to report that they have had the same under consideration, come to a favorable conclusion thereon, and directed their Chairman to report the same back to the House, and recommend its passage.

JOHN WELCH,  
Chairman.

*Mr. Speaker :*

Your Select Committee consisting of the Virginia City delegation, to whom was referred Assembly Bill No. 95, entitled "An Act to provide for the Payment of the Claim of John W. Keller against the City of Virginia, beg leave to report that they have had the same under consideration, made the following amendment thereto, and recommend its passage as amended :

Strike out the words and figures "fifteen thousand dollars (\$15,000) in gold or silver coin" wherever they may occur in the bill, and insert in lieu thereof the words and figures "seventeen thousand five hundred dollars, \$17,500, in legal tender notes."

JOHN WELCH,  
Chairman.

*Mr. Speaker :*

Your Committee appointed to meet and confer with a like Committee on part of the Senate, relating to Assembly Bill No. 6, entitled "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled 'An Act Concerning Conveyances,' approved March 11th, 1867," ask leave to report that after consultation with said Committee on part of the Senate, recommend to this body its concurrence in the Senate amendments to said bill.

All of which is respectfully submitted,

J. M. WOODWORTH.

Report concurred in.

## RESOLUTION.

By Mr. Randall:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby directed to draw his warrant on the Contingent Fund in favor of T. S. Davenport, Minute Clerk, for the sum of one hundred and twenty dollars, the amount being due and unpaid out of the Contingent Fund of the last session, as per warrant now in his possession.

Resolution referred to a Select Committee of three, consisting of Messrs. Burlingame, Potter, and Woodworth.

Pursuant to notice, Mr. Mayhugh moved that the amendment to Rule 1st, requiring the House to meet at 10 o'clock A.M. be rescinded.

Agreed to.

Mr. Brown asked leave of absence for Mr. Lammon for one hour.  
Leave granted.

Mr. Woodworth asked leave of absence for Mr. Rule for one day.  
Leave granted.

Mr. Bowman, by leave, introduced Assembly Bill No. 112, entitled "An Act Changing the Salary of the County Treasurer of Nye County."

Read first time; rules suspended; read second time by title, and referred to Nye County delegation.

## REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Select Committee, to whom was referred Senate Bill No. 12, entitled "An Act to provide for Fostering and Supporting the Nevada Orphan Asylum, a duly Incorporated Benevolent Institution, located at Virginia City, Storey County, State of Nevada," beg leave to report that they have had the same under consideration, and have directed their Chairman to report the same back without amendment, and recommend its passage.

JOHN S. MAYHUGH,  
Chairman.

The Esmeralda delegation reported back verbally, Assembly Bill No. 2, entitled "An Act to Define the Boundary Line between the County of Nye and the Counties of Churchill and Esmeralda," with the recommendation that it pass.

Assembly Bill No. 110, entitled "An Act for the relief of Jonathan Williams." Ordered engrossed.

Assembly Bill No. 72, entitled "An Act to prescribe the Number of Hours which shall Constitute a Legal Day's Labor in certain Cases."

On motion of Mr. Mayhugh, made the Special Order for March 5th.

Senate Joint Resolution No. 19, relative to annexation to Nevada of that portion of Idaho Territory, lying south of Snake River.

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, King, Mayhugh, Mills, Randall, Shakspeare, Shimmin, Tennant, Welch, and Wright—25.

NAYS—Messrs. Dangberg, Lammon, Moulton, Scott, Small, Woodworth, and Mr. Speaker—7.

Mr. Bowman gave notice that he would, on to-morrow, move to reconsider the vote by which Senate Joint Resolution No. 19 passed the House.

Assembly Bill No. 95, entitled "An Act to provide for the Payment of the Claim of John W. Keller against the City of Virginia."

Ordered engrossed.

Senate Bill No. 12, entitled "An Act to provide for Fostering and Supporting the Nevada Orphan Asylum, a duly Incorporated Benevolent Institution, located at Virginia City, Storey County, State of Nevada."

Made the Special Order for to-morrow at 12 M.

On motion of Mr. Doolin, at 11:4 minutes A.M. the House took a recess until 1 P.M.

In session—1 o'clock P.M.

Quorum present.

Mr. Woodworth, pursuant to notice, moved to reconsider the vote by which, on yesterday, Senate Bill No. 97, "An Act to amend an Act entitled "An Act prescribing the Mode of Maintaining Possessory Actions on Public Lands in this State," approved March 9th, 1865," was lost.

Agreed to.

Roll called and bill passed :

YEAS—Messrs. Barney, Bowman, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Doolin, Gray, Hanford, Hanson, King, Moody, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—26.

NAYS—Messrs. Moulton and Potter—2.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Contingent Expenses beg leave to report by resolution :

*Resolved,* That the Sergeant-at-Arms be and he is hereby directed to draw his warrant in favor of the persons hereinafter specified :

In favor of Augustus Ash for stationery furnished clerks and furniture for the Assembly, per vouchers.....		\$1,059 *25
E. B. Rail, stove, etc.....	40	62
Maish & Ammer, one doz. chairs.....	48	00
Sheyer & Morris, per bill....	64	00
Greenebaum & Co.....	153	00
Mrs. Leahy.....	8	00
M. Purcell, rent Committee Room.....	80	00
H. P. Clayton, " " ".....	100	00
M. Y. Stewart, " " ".....	60	00
A. Muller, " " ".....	80	00
John G. Fox, " " ".....	50	00
Geo. Tuffly, " " ".....	80	00
M. D. Judkins, per bill.....	120	50
Sweeney, water bill.....	129	00
Total.....		\$2,072 37

All of which is respectfully submitted,

A. K. POTTER,  
Chairman.  
THOS. C. FORD,  
J. L. RICHARDSON,  
A. C. CLEVELAND,  
E. CLARK.

Mr. Cleveland moved that the Clerk read the bills, and that each one be passed upon separately.

Agreed to.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared Assembly Bill No. 37, "An Act for the relief of A. M. Krutchnits and his Bondsmen," and that they have found the same correctly engrossed.

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker:*

Your Select Committee on Assembly Bill No. 108, entitled "An Act for the Erection of a State Orphan Asylum and to provide for the same," beg leave to report that they have had the same under consideration, report the bill back with a substitute, and recommend the passage of substitute bill.

Respectfully,  
JOHN S. MAYHUGH,  
Chairman.

Substitute Assembly Bill No. 108, as per report of Select Committee.

Read, adopted, and made the Special Order, in conjunction with the Nevada State Orphan Asylum, for to-morrow at 12 M.

*Mr. Speaker:*

Your Standing Committee on County and County Boundaries, to whom was referred Senate Bill No. 85, entitled "An Act supplemental to an Act entitled



'An Act concerning the Office of Surveyor General,' approved March 20th, 1865," beg leave to report that they have had the same under consideration, and have directed their Chairman to report the same back without amendment, and recommend its passage.

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared Assembly Bill No. 29, entitled the Civil Practice Act, and have found the same correctly engrossed.

JOHN S. MAYHUGH,  
Chairman.

On motion, the House resolved itself into the Committee of the Whole, Mr. Corbett in the chair, for the consideration of the report of the Committee on Contingent Expenses and accompanying bills.

In time the Committee rose, reported the whole subject matter back to the House, and recommended the adoption of the report of the Committee on Contingent Expenses.

In House, report of the Committee of the Whole adopted and Committee discharged.

#### GENERAL FILE.

On motion, Senate Bill No. 85, entitled "An Act supplemental to an Act entitled 'An Act concerning the Office of Surveyor General,' approved March 20th, 1865,"

Re-referred to the Committee on Counties and County Boundaries.

On motion, Senate Messages taken up.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 17th, 1869. }

*To the Hon. the Assembly:*

I have the honor to transmit for the consideration of your honorable body Senate Bill No. 116, "An Act to provide for the Payment of the Outstanding Indebtedness of Nye County."

I also return to your honorable body Assembly Concurrent Resolution No. 27, relative to granting leave of absence to J. S. Shoemaker, County Clerk of Washoe County, the above bill and resolution having this day passed the Senate.

I also have the honor to transmit for the consideration of your honorable body, Senate Bill No. 83, "An Act supplementary to an Act entitled 'An Act to establish the Financial Transactions of the State on a coin basis,' approved February 2, 1869, and making provision by which County Commissioners and Municipalities may be enabled to carry out the provisions thereof."

Also, Senate Bill No. 112, "An Act to amend Section 84 of an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 9, 1865, approved February 24, 1866."

The above bills having this day passed the Senate.

I also am instructed to inform your honorable body that the Senate have this day concurred in Assembly amendments to Senate Bill No. 90, "An Act to amend an Act entitled 'An Act concerning Juries,' approved March 3, 1866."

Respectfully,

CHAS. F. BICKNELL,  
Assistant Secretary Senate

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, February 18th, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith transmit for the consideration of your honorable body Senate Bill No. 101, "An Act supplementary to 'An Act of the Governor and Legislative Assembly of the Territory of Nevada,' approved November 21st, 1861, entitled 'An Act defining the time of commencing Civil Actions.'"

Also, Senate Bill No. 105, "An Act to authorize the County Commissioners of the several counties of this State to offer rewards in certain cases."

Also, Senate Concurrent Resolution No. 133, relative to distribution of reports of State Mineralogist.

Also, Senate substitute for Assembly substitute Bill No. 14, "An Act supplementary to an Act entitled 'An Act to prohibit carrying Concealed Weapons,' approved February 27th, 1867."

All of the above having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
 Assistant Secretary Senate.

Senate Bill No. 116, as per message.

Read first time; rules suspended; read second time by title, and referred to the Nye County delegation.

Senate Bill No. 83, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 112, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared Assembly Substitute to Substitute Assembly Bill No. 33, "An Act to Create the County of White Pine, and provide for its Organization," and find the same correctly engrossed.

JOHN S. MAYHUGH,  
 Chairman.

Senate Bill No. 101, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 105, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on County and County Boundaries.

Senate Substitute for Assembly Substitute Bill No. 14, as per message.

Read first time; rules suspended; read second time by title, and passed on file.

Senate Concurrent Resolution No. 133, as per message.  
Read, and adopted unanimously.

Assembly Substitute to Substitute to Assembly Bill No. 33, entitled "An Act to Create the County of White Pine, and provide for its Organization."

On motion of Mr. Hillyer, made the Special Order for to-morrow, at 11:30 A.M.

Mr. Burlingame, by leave, introduced Assembly Bill No. 119, entitled "An Act for the relief of John A. Collins."

Read first time; rules suspended; read second time by title, and referred to the Storey County delegation.

Mr. Mills moved to adjourn.  
Lost.

On motion of Mr. Hillyer, Assembly Bill No. 29, entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, and to Repeal all other Acts in relation thereto."

On motion, Mr. Hillyer was appointed a Committee of one to make certain amendments to the bill, adopted by the House.

Mr. Doolin asked leave of absence for Mr. Randall, for one day.  
Leave granted.

Messrs. Burlingame, Mayhugh, Cleveland, and Mills were also granted leave of absence for the remainder of the day.

The Special Committee reported the bill back to the House, amended as per instructions, as follows:

Section 164, between "of" and "guardian," line 4, insert "debtor or creditor."

Section 237, between "property" and "by," line 3, insert "or the proceeds thereof."

Section 223, strike out all after "sold," lines 9 and 10.

Section 225, in line 9, between "sold" and "the," insert "all sales of real property shall be made at the Court House of the County in which the property or some part thereof is situate."

Section 248, strike out the "recovery of any debt or," line 1, and insert between "action" and "the," line 3, "judgment shall be rendered for the amount found due the plaintiff."

Section 379, strike out "adverse party," line 2, and insert in lieu thereof the following: "other party to the transaction, or the opposite party in the action."

Section 406, between words "State" and "or," line 1, insert "or in a Territory of the United States."

Section 427, between "officer" and "fourth," line 6, insert "or officer of a corporation."

Section 560, insert at end of section the following: "*provided, further,* that sales of real property shall be made at or upon the property sold."

Section 592, at end of Section, insert, "whenever the word Territory shall be used, it shall be deemed to include and apply also to the District of Columbia."

Insert additional Section as follows:

"Section 605. Nothing in this Act shall be construed to interfere with or affect any of the provisions of 'An Act entitled an Act to establish the Financial

transactions of the State upon a Cash Basis, approved February 2d, 1869,' but the public debts therein mentioned shall be paid in the currency prescribed by said Act."

The number of Section 605 changed to 606.

Report adopted, and Committee discharged.

Pending the third reading of the bill, on motion of Mr. Tennant, at 3:50 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD.  
Clerk.

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## FORTY-SEVENTH DAY.

FRIDAY, February 19th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Woodworth.

Prayer by the Rev. Mr. Hammond.

Mr. Rule asked leave of absence for Mr. Woodworth for one day.

Leave granted.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Ways and Means to whom was referred Senate Bill No. 91, entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the support of the Government of the State of Nevada,' approved March 8th, 1865," have had the same under consideration, and report the same back to the House, and recommend its passage.

THOS. J. TENNANT,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared the following named bills, and have found the same correctly engrossed, to wit:

Assembly Bill No. 59, entitled "An Act to amend an Act entitled 'An Act to allow any person or persons to divert the water of any River or Stream, and run the same through any Ditch or Flume, and to provide for the Right of Way through the Lands of others,' approved March 3d, 1866."

Also, Assembly Bill No. 87, "An Act to authorize the Board of Examiners to allow certain Claims against the State."

Also, Assembly Resolution No. 13, proposal to amend the Constitution.

Also, Assembly Joint Resolution No. 28, relative to Mount Vernon Grounds.

Also, Assembly Bill No. 78, "An Act to restrict Gaming."

Also, Assembly Bill No. 76, "An Act to amend an Act entitled 'An Act in relation to Fines.'"

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 78, relative to mail service between Placerville, California, and Carson Valley, Utah Territory, have had the same under consideration, and directed their Chairman to report the same back to the House, and recommend its passage.

JOHN WELCH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on State Institutions, to whom was referred Assembly Bill No. 111, "An Act to provide for the care of the Insane of the State of Nevada, and create a Fund for the same," have come to a favorable conclusion thereon, and beg leave to return the same to the House and recommend its passage.

S. A. MOULTON,  
Chairman.

#### REPORTS OF SELECT COMMITTEES.

*Mr. Speaker :*

Your Select Committee to whom was referred Senate Bill No. 116, entitled "An Act to provide for the payment of the outstanding Indebtedness of Nye County," have had the same under consideration, and would respectfully report the same back to the House, and recommend its passage.

Also, Assembly Bill No. 112, have had the same under consideration, and have agreed to report in place thereof a Substitute for said bill, and recommend the passage of the Substitute.

JOHN BOWMAN,  
WILLIAM DOOLIN.

Substitute for Assembly Bill No. 112, entitled "An Act changing the Salary of the County Treasurer of Nye County."

Read, adopted, and placed on file.

Special order postponed five minutes.

Mr. Mayhugh, by leave, introduced Assembly Concurrent Resolution No. 30, Relative to State Prison Grounds and Buildings.

Read, and adopted unanimously.

#### RESOLUTION.

By Mr. Hillyer :

*Resolved*, That the Sergeant-at-Arms of the Assembly be authorized, and he is hereby instructed to draw his warrant upon the Contingent Fund of this House, in favor of John Y. Paul, for the sum of one hundred and fifty dollars for services rendered in copying the Practice Act for the Printer.

Adopted.

Mr. Bowman, pursuant to notice, moved to reconsider the vote by which, on yesterday, Senate Joint Resolution No. 19, relative to annexation of that portion of Idaho Territory lying south of Snake River to this State, passed the House.

Roll called and motion agreed to :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Clark, Cleveland, Corbett, Dangberg, Ford, Hanson, Lammon, Moody, Moulton, Potter, Rule, Scott, Shakspeare, Small, Woodworth, Wright, and Mr. Speaker—21.

NAYS—Messrs. Burson, Burlingame, Coburn, Davis, Doolin, Gray, Hanford, Hillyer, King, Mayhugh, Mills, Randall, Richardson, Shimmin, Tennant, Waller, and Mr. Welch—17.

Mr. Wright moved that the resolution be indefinitely postponed.

On motion, Special Order postponed five minutes.

Upon which the ayes and noes were called for by Messrs. Welch, Woodworth, and Mayhugh.

Roll called.

Resolution indefinitely postponed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Cleveland, Corbett, Dangberg, Hanford, Hanson, Lammon, Moody, Moulton, Potter, Rule, Scott, Shakspeare, Small, Woodworth, Wright, and Mr. Speaker—20.

NAYS—Messrs. Burson, Burlingame, Clark, Coburn, Davis, Doolin, Ford, Gray, Hillyer, King, Mayhugh, Mills, Randall, Richardson, Shimmin, Tennant, Waller, and Mr. Welch—18.

#### SPECIAL ORDER.

Substitute Assembly Bill No. 33, entitled "An Act to create the County of White Pine and provide for its organization."

On motion of Mr. Doolin, the bill was referred to a Special Committee of One, consisting of Mr. Hillyer, with instructions to strike out of Section 1, after the word "north" and before the words "of a line ten miles south," and insert the words, "as located by Thomas J. Reed, County Surveyor of Lander County, made in 1865," and strike out in same section, after the word "Lander," the words "and parallel with said line."

The Committee reported the bill back amended as per instructions.

Mr. Tennant moved that the bill be referred to a Special Committee of One, with instructions to strike out all that portion relating to officers.

Lost.

On motion of Mr. Bowman, a Committee of One, consisting of Mr. Hillyer, was appointed, with instructions to strike out all that portion which provides for the payment of money by the county of White Pine to the county of Nye.

The Committee reported the bill back amended as per instructions.

On motion of Mr. Welch, the bill was referred to a Special Committee of One, with instructions to amend by adding at the end of Section 3 the words "There shall be in Treasure City and Hamilton, each, two townships, and one in Sher-

mantown. For each of the townships herein now named, or that may hereafter be created, there shall be appointed by the Board of County Commissioners one Justice of the Peace and one Constable."

The Committee reported the bill back amended as per instructions.

Bill read third time.

Mr. Tennant moved that when the roll is called the names of Mr. Speaker and Mr. Hanford be omitted.

Lost.

Mr. Speaker moved the previous question.

Agreed to.

Roll called and bill passed :

YEAS—Messrs. Barney, Bowman, Brown, Burson, Burlingame, Clark, Corbett, Dangberg, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Potter, Randall, Richardson, Scott, Small, Tennant, Welch, Wright, and Mr. Speaker—26.

NAYS—Messrs. Bunker, Cleveland, Coburn, Davis, Lammon, Moody, Moulton, Rule, Shakspeare, Shimmin, and Mr. Waller—11.

Mr. Tennant gave notice that he would on to-morrow, or some subsequent day, move a reconsideration of the vote by which the bill passed.

On motion of Mr. Moulton, at 1:20 P.M., the House took a recess for one hour.

In session—2:20 P.M.

Speaker *pro tem.* in the chair.

Quorum present.

On motion of Mr. Woodworth, a call of the House was ordered.

Roll called.

Absent—Messrs. Bowman, Cleveland, Ford, Hanford, King, Rule, Small, Tennant, Waller, Welch, Wright, and Mr. Speaker.

Mr. Waller appearing at the bar, was on motion admitted and excused.

Messrs. Ford, Rule, and Welch appearing at the bar of the House, were, on motion, excused.

Mr. Hillyer moved that the further call of the House be dispensed with.

Lost.

On motion of Mr. Hillyer, members now absent without leave, were fined one dollar.

Messrs. King and Bowman were excused from the fine.

On motion of Mr. Hillyer, the further call of the House was dispensed with.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Concurrent Resolution, viz : Assembly Concurrent Resolution No. 27, relative to granting leave of absence to J. S. Shoe-

maker, County Clerk of Washoe County, with the engrossed copy passed by the two Houses, and found the same correctly enrolled, and have this day filed the same with the Secretary of State.

CHAS. D. KING,  
Chairman.

On motion of Mr. Woodworth, the Special Order was postponed one-half hour, and Assembly Bill No. 78, entitled "An Act to Restrict Gaming," was taken up. Read third time and passed :

YEAS—Messrs. Barney, Brown, Bunker, Burson, Coburn, Dangberg, Davis, Ford, Gray, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moody, Richardson, Shimmin, Waller, Welch, Woodworth, Wright, and Mr. Speaker—22.

NAYS—Messrs. Clark, King, Moulton, Randall, Scott, Shakspeare, and Tenant—7.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee on Enrollment beg leave to report that they have carefully compared the following Assembly Bill, viz : Assembly Bill No. 50, "An Act to incorporate the Town of Gold Hill," with the engrossed copy as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,  
Chairman.

On motion of Mr. Welch, the House resolved itself into the Committee of the Whole, the Speaker *pro tem.* in the chair, for the consideration of Senate Bill No. 12, entitled "An Act to provide for Fostering and Supporting the Nevada Orphan Asylum, a duly incorporated Benevolent Institution, located at Virginia City, Storey County, State of Nevada," in conjunction with Substitute Assembly Bill No. 108, entitled "An Act for the erection of a State Orphan's Home, and to provide for the same."

In time the Committee rose, reported Senate Bill No. 12 back, recommending its passage ; also, Substitute Assembly Bill No. 108 ; that it be considered engrossed and placed upon its final passage.

Report adopted and Committee discharged.

Substitute Assembly Bill No. 108, as reported from Committee of the Whole. Read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Welch, Woodworth, Wright, and Mr. Speaker—35.

Senate Bill No. 12, as reported from Committee of the Whole. Read third time and passed :

YEAS—Messrs. Barney, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hanson, Hillyer, Lammon, Mayhugh, Mills,



Moody, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—29.

NAYS—Messrs. Bowman, Clark, Ford, Hanford, Moulton, and Rule—6.

On motion, Mr. Mayhugh was granted leave of absence for the remainder of the day.

MESSAGES FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 18th, 1869. }

*To the Hon. the Assembly:*

I am instructed to return to your honorable body Assembly Bill No. 57, "An Act for the benefit of Married Women in Insuring the Lives of their Husbands," the same having been rejected by the Senate on February 17th, 1869.

Respectfully,

CHAS. F. BICKNELL,  
Assistant Sec'y Senate.

STATE OF NEVADA, OFFICE OF SECRETARY OF STATE, }  
Carson City, February 17th, 1869. }

*To the Legislature of Nevada, Assembly Chamber:*

GENTLEMEN—I have the honor to transmit statement of expenditures, accompanied by the proper vouchers, made by me for the Legislative Session of 1869, under the provisions of "An Act relative to Secretary of State, approved February 14th, 1865."

Most of the articles purchased, and services performed, were for the Legislature as a body; but in rendering this statement I have apportioned the same as equitably as possible.

To the Assembly, as follows:

Bill of E. B. Rail, mdse. ....	\$ 43 00
" Thos. Smith, wood. ....	170 15
" Oscar Greenebaum, mdse. ....	7 00
" N. P. Cole, chairs. ....	33 33
" C. N. Noteware, mdse. and freights. ....	63 01
" C. N. Noteware, cash paid. ....	20 00
" Andrew Wright, labor, etc. ....	7 00
" Sheyer & Morris, mdse. ....	13 31
" M. D. Judkins, services. ....	166 00
" James Sackett, labor. ....	28 00
	<hr/>
	\$550 80

Very respectfully,

C. N. NOTEWARE,  
Secretary of State.

On motion of Mr. Hillyer, referred to the Committee on Contingent Expenses.

Mr. Tennant, pursuant to notice, introduced Assembly Bill No. 120, entitled "An Act to Incorporate the Town of Hamilton."

Read first time; rules suspended; read second time by title, and referred to Lander County delegation.

Mr. Randall, by leave, introduced Assembly Bill No. 121, entitled "An Act to submit to the People of the Counties of White Pine, Nye, and Lincoln a proposition to give County aid to a Railroad from Elko to Colorado River."

Read first time; rules suspended; read second time by title, and referred to the Lander, Nye, and Lincoln delegations.

Mr. Hanford, by leave, introduced Assembly Bill No. 122, entitled "An Act to amend an Act entitled 'An Act for the purpose of placing the finances of Lyon County upon a permanent cash basis, and to provide for the payment of the outstanding indebtedness of the said County,' approved February 4th, 1869."

Read first time; rules suspended; read second time by title, and referred to Messrs. Hanford, Hillyer, and Burlingame, of the Storey County delegation, and the Lyon County delegation.

Mr. Corbett, by leave, introduced Assembly Bill No. 123, entitled "An Act in relation to the recordation and satisfaction of certain papers and copies of process."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Bowman was granted leave of absence for the remainder of the day.

Mr. Rule, by leave, introduced Assembly Bill No. 124, entitled "An Act to amend an act entitled 'An Act to create the office of State Printer, define the Duties and Compensation thereof, and provide for the Time and Manner of Election,' approved January 10th, 1865."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Rule, by leave, introduced Assembly Bill No. 125, entitled "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer.'"

Read first time; rules suspended; read second time by title, and referred to the Judiciary [Committee.]

Mr. Rule, by leave, introduced Assembly Bill No. 126, entitled "An Act to provide for the care of the Indigent Insane of the State of Nevada, and to provide a Fund for the same."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Potter, by leave, introduced Assembly Bill No. 127, entitled "An Act supplemental to an Act entitled 'An Act granting to certain persons the right to construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada.'"

Read first time; rules suspended; read second time by title, and referred to the Committee on Railroads.

Mr. Bunker was granted leave of absence for the day.

Messrs. Tennant, King, Gray, Cleveland, and Moulton were granted leave of absence for the remainder of the day.

On motion of Mr. Hillyer, at 4 P.M. the House took a recess until 7 o'clock P.M.

## EVENING SESSION.

7 o'clock, P. M.

Quorum present.

Mr. Woodworth, by leave, introduced Assembly Bill No. 128, entitled "An Act to provide for the issuing and sale of School Land Warrants."

Read first time; rules suspended; read second time by title, and referred to Committee on Public Lands.

Mr. Woodworth, by leave, introduced Assembly Bill No. 129, entitled "An Act to provide for the selection and sale of the School Lands donated to the State of Nevada."

Read first time; rules suspended; read second time by title, and referred to Committee on Public Lands.

Reading of the Civil Practice Act resumed.

Mr. Mills moved that a Special Committee of one be appointed with instructions to insert in line 2 of Section 28, after the word "any" and before the word "citizen" the word "male."

Lost.

Mr. Mills moved to insert in line 2 of Section 28, after the word "any" and before the word "citizen" the word "white."

Lost.

Pending the reading, on motion of Mr. Doolin, a call of the House was ordered. Roll called.

Absent—Messrs. Bowman, Brown, Bunker, Burlingame, Clark, Cleveland, Coburn, Gray, Hanson, Hillyer, King, Mayhugh, Mills Moody, Moulton, Richardson, Rule, and Tennant.

On motion of Mr. Doolin, the further call of the House was dispensed with. Reading resumed.

Pending the reading, Mr. Burson moved to adjourn.

Lost.

Reading resumed.

Pending the reading, Mr. Randall moved to adjourn.

Lost.

## REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker:*

Your Committee on Engrossment report that they have examined the accompanying copy of Assembly Bill No. 29, and that it is a correct engrossed copy of said bill.

J. K. BARNEY,  
Chairman *pro tem*.

On motion, Mr. Hillyer was appointed a Committee of one with instructions to strike out in Section 245, line 3, (printed bill) all after the word "judgment."

The Committee reported the bill back amended as per instructions.

On motion of Mr. Corbett, Mr. Hillyer was requested to assist in reading the Practice Act.

On motion of Mr. Wright, a call of the House was ordered.

Roll called.

Absent—Messrs. Burlingame, Clark, Coburn, Hanson, Mills, Moody, Randall, Rule, Waller, and Woodworth.

Mr. Randall appearing at the bar of the House, was admitted and excused.

Mr. Lammon appearing at the bar of the House was, on motion, admitted and excused.

Mr. Burlingame appearing at the bar of the House, was admitted and excused.

On motion of Mr. Wright, the further call of the House was dispensed with.

Bill read third time, and on motion, Mr. Hillyer was appointed a Committee of one, with instructions to insert in Section 517, lines 6 and 7, after the word "State" and before the word "when," the words "or by posting notice thereof."

Also, to add to Section 519 the words, "*provided*, that in actions upon contracts for the payment of money, the Justice may in his discretion, instead of ordinary publication of summons, or the appointment of an attorney to appear for the defendant, order the service of summons to be made by posting copies thereof in three public places in his township, within one day after the same is issued."

The Committee reported the bill back to the House amended as per instructions.

Report adopted, and Committee discharged.

Roll called and bill passed:

YEAS—Messrs. Barney, Brown, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis Doolin, Ford, Hanford, Hillyer, Lammon, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Welch, Wright, and Mr. Speaker—25.

On motion of Mr. Wright, at 11:20 p. m. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD.

Clerk.

## FORTY-EIGHTH DAY.

SATURDAY, February 20th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Barney, Mayhugh, and Welch.

Mr. Ford asked leave of absence for Mr. Barney for one day.

Leave granted.

Prayer by the Rev. Mr. Hammond.

Mr. Potter asked for temporary leave of absence.

Leave granted.

Mr. Small asked leave of absence for Mr. Dangberg for one day.  
 Leave granted.  
 Journal read and approved.

Mr. Burlingame rose to a question of privilege, relative to his own action on yesterday.

Mr. Bowman rose to a question of privilege, relative to an editorial in the *Daily Enterprise*.

Mr. Lammon asked leave of absence for Mr. Welch for one day.  
 Leave granted.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Public Lands, to whom was referred Assembly Bill No. 128, have instructed their Chairman to report the same back and recommend its passage, with the following amendments :

Amend by inserting in line 7, Section 1, after the word "for" the words "tracts of forty, eighty, or;" also, by inserting after the [word] "value," in line 9 of same section, the words "respectively of fifty, one hundred and."

Amend by filling in Section 8 with "eight hundred dollars."

Also, Assembly Bill No. 129, entitled "An Act to provide for the Selection and Sale of the School Lands donated to the State of Nevada," beg leave to report that they have had the same under consideration, report the same back, recommending its passage with the following amendments :

Amend by striking out Section 1, and inserting as follows :

"Section 1. \_\_\_\_\_ are hereby appointed a Board of Land Commissioners, to hold their offices until the first day of March, 1871."

Add to Section 3, "and seventy-five cents per mile, one way only, for each mile necessarily traveled in going from his place of residence to Carson City for each monthly meeting."

In Section 6, strike out the words "of two hundred dollars for each one hundred and sixty acres," and insert "of fifty, one hundred, or two hundred dollars for each forty, eighty, or one hundred and sixty acres."

All of which is respectfully submitted,

J. M. WOODWORTH,  
 Chairman.

*Mr. Speaker :*

Your Standing Committee on Education, to whom was referred Senate Substitute Bill No. 52, entitled "An Act amendatory of an Act entitled 'An Act for the Maintenance and Supervision of Public Schools,' approved March 20, 1865, and the Acts amendatory thereof," beg leave to submit the following amendments, to wit :

Insert in Section 17, line 4, "and the County Auditor." Section 18, strike all out after the word "duty" and before the word "first."

First subdivision is amended so as to read as follows :

"First. To visit each public school in his county, within ten miles of the county seat, at least once in each term; *provided*, that he shall visit all the schools in his county once in each year, to exercise a general supervision over the interests of the public schools in his county, and give to the School Trustees, Marshals, and teachers such aid and counsel as may be important to the prosperity of the schools."

The same section, third subdivision, last line, after the word "Treasurer," insert "and the County Auditor."

The same section, eighth subdivision, insert after the word "the," fifth line, the word "county."

Strike out in the sixth line, after the word "public," the word "instruction," and insert "schools."

Strike out all of Section 22.

Section 25, twenty-fifth line, after the word "the" insert "county," and strike out the word "instruction" after the word "public," and insert the word "schools."

Section 41, first line, strike out the word "State" and insert the word "County," and strike out the word "instruction" after the word "public," and insert the word "schools."

The same section, forty-fourth line, strike out the word "all" after the word "by" and insert the words "a majority of."

In the same section, fifty-first line, strike out all after the word "re-examination."

All of which your Committee respectfully submit.

JOHN BOWMAN,  
Chairman.

Mr. Davis asked leave of absence for Mr. Mayhugh for one day.

Mr. Speaker appointed Messrs. Rule, Cleveland, and Tennant, temporarily, as Engrossment Committee, and they were granted leave of absence for the purpose of attending to the duty of that Committee.

Mr. Tennant, pursuant to notice, moved to reconsider the vote by which Assembly Bill No. 33, entitled "An Act to create the County of White Pine and provide for its Organization," was passed.

YEAS—Messrs. Cleveland, Coburn, Moody, Moulton, Rule, Shimmin, Tennant, Waller, and Woodworth—9.

NAYS—Messrs. Bowman, Brown, Burson, Bunker, Burlingame, Clark, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mills, Randall, Richardson, Scott, Small, Wright, and Mr. Speaker—23.

Mr. Tennant asked that his protest be entered upon the record, to show that he voted against the bill.

Leave granted.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee, to whom was referred Assembly Bill No. 121, report that they have had the same under consideration, and have directed their Chairman to report the same back with a recommendation that it do pass, with the following amendments :

1st. Amend by filling blanks in first section as follows : First blank, \$300,000 ; second blank, \$150,000 ; third blank, \$200,000.

2d. Amend same section by adding at its close, "*provided*, that the Board of Commissioners in either of said counties shall not be required to make the said order for any special election until the said corporation shall file with them a good and sufficient bond, to be approved by them, conditioned that in event the

said proposition for aid shall be rejected by the voters of the county at the election, then, and in that event, the corporation will pay to said county, within thirty days after the result shall be declared, all the legal and necessary expenses incurred by the county in such special election."

3d. Amend by inserting after the word "surplus," in line 5 of Section 8, the words "of \$5,000 or upwards."

4th. Insert in Section 8, after words "published in said county," the words, "or if none be so published, then in some newspaper having general circulation therein."

F. W. RANDALL,  
Chairman.

*Mr. Speaker:*

Your Select Committee, composed of the Lander County delegation, to whom was referred Assembly Bill No. 120, entitled "An Act to incorporate the town of Hamilton, have had the same under consideration, come to a favorable conclusion, and report the same back to the House and recommend its passage.

T. J. TENNANT,  
R. J. MOODY,  
GEO. D. COBURN,  
GEO. F. MILLS.

#### RESOLUTIONS.

By Mr. Doolin:

*Resolved*, That when this House adjourn, it adjourn until Tuesday, February 23d, in honor of the anniversary of the birth of Washington.

Laid on the table temporarily.

By Mr. Moulton:

*Resolved*, That on and after Tuesday, February 23d, 1869, that this House hold evening sessions, commencing at 7 o'clock.

Laid on the table.

Mr. Shakspeare introduced Assembly Concurrent Resolution No. 30, relative to granting leave of absence to J. G. McClinton, County Recorder of Esmeralda County, for a period of six months.

Read, and passed unanimously.

#### SPECIAL ORDER FOR 12 M.

Proposed amendment No. 14 to the Constitution.

Mr. Cleveland moved to postpone the Special Order until Tuesday next.

Upon which Mr. Bowman moved the previous question.

Lost.

And motion to postpone.

Lost.

On motion, the House resolved itself into the Committee of the Whole.

Mr. Mills in the chair.

For the consideration of proposed amendment to the Constitution No. 14.

In time the Committee rose, reported the bill back to the House with the recommendation that it be ordered engrossed.

In House.

Upon motion to adopt the report of the Committee, the ayes and noes were called for by Messrs. Moulton, Burson, and Randall, and the bill ordered engrossed.

YEAS—Messrs. Bowman, Brown, Burson, Burlingame, Cleveland, Coburn, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Moody, Richardson, Rule, Scott, Shimmin, Small, and Mr. Woodworth—20.

NAYS—Messrs. Bunker, Clark, Corbett, Mills, Moulton, Potter, Randall, Shakspeare, Tennant, Waller, and Mr. Speaker—11.

Mr. Burlingame asked leave of absence for the remainder of the day.  
Leave granted.

#### REPORT OF SPECIAL COMMITTEE ON ENGROSSMENT.

*Mr. Speaker :*

Your Special Committee on Engrossment beg leave to report that they have carefully compared Assembly Bills Nos. 10, 38, and 95 with the *engrossed* [original] copies of said bills and find the same correctly engrossed.

T. W. RULE,  
Chairman.

#### MESSAGES FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 19th, 1869. }

*To the Hon. the Assembly :*

I am instructed to transmit, for the consideration of your honorable body, Senate Bill No. 126, "An Act in relation to the Solemnization of Marriages."

Also, Senate Bill No. 115, "An Act to provide for the registration of the Names of Electors and to prevent Fraud at Elections."

Also, Senate Joint Resolution No. 23, amending Sections 2 and 29 of Article IV of the State Constitution.

Also, Senate Bill No. 138, "An Act supplementary to an Act entitled 'An Act to create Legislative Funds,' passed February 5, 1869."

All of the above bills having this day passed the Senate.

Respectfully,  
CHAS. F. BICKNELL,  
Asst. Sec'y Senate.

Assembly Bill No. 115, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 126, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Committee on Public Morals.

#### REPORT OF COMMITTEE ON ELECTIONS.

*Mr. Speaker :*

Your Standing Committee on Elections, to whom was referred Assembly Bill No. 54, entitled "An Act to provide for the Registration of Names of Electors,



and for the ascertainment by proper proofs of the persons who shall be entitled to the right of Suffrage," beg leave to submit the following amendments:

Insert in Section 5, "and if any person refuse to give the Registry Agent the particulars of his residence, as above required, he shall not be registered."

Section 10, line 29, insert "and from other evidence that may be taken."

Strike out Section 13, and insert "any person who may elect to transfer his name from one county to any other, it shall be the duty of the Registry Agent of the county from which he elects to transfer his name to give him a certificate of such transfer."

I. S. BURSON,  
Chairman.

On motion of Mr. Gray, Assembly Bill No. 54 was re-referred to the Judiciary Committee.

Senate Joint Resolution No. 23, as per message.

Read first time; rules suspended; read second time by title.

Rules further suspended.

Read third time.

Mr. Davis moved to refer the resolution to a Special Committee of One, with instructions to strike out "90" and insert "70" days.

Lost.

Roll called.

On motion of Mr. Doolin, a call of the House was ordered.

Absent—Messrs. Corbett, Lammon, and Waller.

Messrs. Corbett and Lammon appearing at the bar of the House were, on motion, admitted and excused.

On motion of Mr. Hillyer, further proceedings under the call of the House were dispensed with.

A new roll call was called for.

Mr. Potter moved to amend by striking out 90 and inserting 75 days.

Carried.

Mr. Hillyer moved to reconsider the vote by which the amendment was adopted.

Upon which the ayes and noes were called for by Messrs. Potter, Corbett, and Cleveland.

Roll called, and vote reconsidered:

YEAS—Messrs. Bowman, Brown, Burson, Burlingame, Clark, Coburn, Corbett, Doolin, Ford, Gray, Hanford, Hanson, King, Mills, Moody, Randall, Richardson, Rule, Woodworth, and Wright—20.

NAYS—Messrs. Bunker, Cleveland, Davis, Lammon, Moulton, Potter, Scott, Shakspeare, Shimmin, Small, and Mr. Speaker—11.

And on motion of Mr. Hillyer, the Resolutions were made the special order for Tuesday, February 23, 1869.

Senate Bill No. 138, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

On motion of Mr. Wright, at 20 minutes to 2 P. M. the House took a recess for 30 minutes.

In session—2:10 P. M.

Mr. Speaker in the chair.

No quorum present.

On motion of Mr. Potter a call of the House was ordered.

The Clerk commenced calling the roll, when, on motion of Mr. Woodworth, the further call of the House was dispensed with.

Assembly Bill No. 10, entitled "An Act for the relief of Jonathan Williams." Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Burson, Clark, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hillyer, Lammon, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Small, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—27.

NAYS—Mr. Hanson—1.

#### REPORT OF JUDICIARY COMMITTEE.

*Mr. Speaker :*

Your Judiciary Committee, to whom was referred Senate Bill No. 138, entitled "An Act supplementary to an Act entitled 'An Act to create Legislative Funds,' passed February 5th, 1869," beg leave to report the same back to the House with the following amendments, and recommend its passage :

Amend by adding Section 2.

Section 2. The appropriation made by the Act to which this [is] supplementary, shall be deemed an appropriation for the actual expenses of the members of the Legislature for express charges, newspapers, postage, and stationery to an amount not exceeding sixty dollars for each member as authorized by Section 33 of Article IV of the Constitution, and all warrants drawn on account of said expenses shall be paid out of the Legislative Fund.

C. J. HILLYER,  
Chairman.

Amendments of Committee adopted, and on motion of Mr. Hillyer, the rules were suspended, bill as amended read third time and passed :

YEAS—Messrs. Bowman, Bunker, Burson, Clark, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Waller, Woodworth, Wright, and Mr. Speaker—30.

Mr. Woodworth asked leave of absence for Mr. Rule for the remainder of the day.

Leave granted.

Assembly Bill No. 95, entitled "An Act to provide for the payment of the Claim of John W. Keller against the City of Virginia."

Made the special order for Tuesday, February 23d, at 2 P.M.

Assembly Bill No. 38, entitled "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies, and the Management of the Affairs thereof, and other matters belonging thereto,' approved March 22d, 1865."

Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Gray, Hanford, Hanson, Hillyer, King, Mills, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Wright, and Mr. Speaker—23.

Assembly Bill No. 59, entitled “An Act to amend an Act entitled ‘An Act to allow any Person or Persons to divert the waters of any River or Stream, and run the same through any Ditch or Flume, and to provide for the Right of Way through the Lands of others,’ approved March 3d, 1866.”

Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Burson, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Hanson, Hillyer King, Mills, Moulton, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Woodworth, and Wright—24.

NAYS—Messrs. Gray and Hanford—2.

Assembly Bill No. 87, entitled “An Act to authorize the Board of Examiners to allow certain Claims against the State.”

Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moulton, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Woodworth, and Wright—25.

Proposed amendment No. 13 to the Constitution of the State of Nevada.  
Passed on file.

Assembly Joint Resolution No. 28, relative to Mount Vernon Grounds.

Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Burson, Clark, Coburn, Corbett, Davis, Doolin, Gray, Hanson, Hillyer, King, Moulton, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Woodworth, and Wright—22.

Mr. Doolin moved to take up the resolution relative to adjourning over until Tuesday.

Lost.

Assembly Bill No. 76, entitled “An Act to amend an Act entitled ‘An Act in relation to Fines.’”

Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Clark, Cleveland, Coburn, Corbett, Davis, Ford, Gray, Hanford, Hanson, Hillyer, Mills, Moulton, Potter, Richardson, Scott, Shakspeare, Shimmin, Small, and Wright—21.

Senate Bill No. 99, Substitute for Substitute Assembly Bill No. 14, entitled “An Act supplementary to an Act entitled ‘An Act to prohibit carrying Concealed Weapons,’ approved February 27th, 1867.”

Passed on file.

Substitute Assembly Bill No. 112, entitled “An Act changing the Salary of the County Treasurer of Nye County.”

Ordered engrossed.

Assembly Bill No. 111, entitled "An Act to provide for the care of the Insane of the State."

Ordered engrossed.

Senate Bill No. 116, entitled "An Act to provide for the payment of the outstanding Indebtedness of Nye County."

Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moulton, Scott, Shakspeare, Shimmin, Small, Waller, Woodworth, Wright, and Mr. Speaker—21.

Assembly Substitute Bill No. 2, entitled "An Act to define the Boundary Line between the County of Nye, and the Counties of Churchill and Esmeralda."

Passed on file.

Senate Joint Resolution No. 78, relative to mail service between Placerville, California, and Carson Valley, Utah Territory.

Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Cleveland, Corbett, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—20.

Senate Bill No. 91, entitled "An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 8th, 1865."

Read third time and passed :

YEAS—Messrs. Bowman, Bunker, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moulton, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—24.

On motion of Mr. Hillyer, the Clerk was directed to correct a clerical error in the Legislative Fund Bill, passed to-day.

Assembly Bill No. 121, entitled "An Act to submit to the People of the Counties of White Pine, Nye, and Lincoln, a proposition to give County Aid to a Railroad from Elko to the Colorado River."

Amendments, as reported from Committee, adopted, and on motion, the rules were suspended ; bill considered engrossed ; read third time and passed.

YEAS—Messrs. Bowman, Bunker, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Mills, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Woodworth, Wright, and Mr. Speaker—23.

NAYS—Mr. Moulton—1.

Mr. Speaker, by leave, introduced Assembly Bill No. 136, entitled "An Act to provide for the Payment of the Claim of A. W. Nightingill."

Read first time ; rules suspended ; read second time by title, and referred to Committee on Claims.

Assembly Bill No. 128, entitled "An Act to provide for the Issuing and Sale of School Land Warrants."

Amendments of Committee adopted, and bill ordered engrossed.

On motion of Mr. Mills, the Enrolling Committee were authorized to correct the orthography of bills.

Assembly Bill No. 129, entitled "An Act to provide for the Selection and Sale of the School Lands donated to the State of Nevada."

Amendments of Committee adopted, and bill ordered engrossed.

On motion of Mr. Hillyer, the vote by which the resolution relative to the adjournment was lost, was reconsidered.

Upon the motion to adopt the resolution, the ayes and noes were called for by Messrs. Bowman, Wright, and Woodworth, and resolution adopted.

YEAS—19.

NAYS—4.

On motion of Mr. Tennant, at 4.30 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FIFTY-FIRST DAY.

TUESDAY, February 23d, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called, all present.

Prayer by the Rev. Father Gleeson.

Journal read and approved.

Mr. Mayhugh presented petition No. 13, relative to Insurance Companies.

Read, and referred to Judiciary Committee.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on Contingent Expenses, to whom was referred itemized accounts of Messrs. Mason & Huff, for.....	\$8 00
O. Greenebaum, for.....	7 00
Augustus Ash, for.....	29 00
E. D. Sweeney, for.....	18 00

As per accompanying vouchers, find the same correct, and recommend that the Sergeant-at-arms be authorized to draw his warrants in favor of the above named parties.

A. K. POTTER, Chairman.  
J. L. RICHARDSON,  
THOS. C. FORD,  
E. CLARK.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared the following named Assembly Bills, and have found the same correctly engrossed, to wit:

Assembly Bill No. 128, entitled "An Act to provide for the Issuing and Sale of School Land Warrants."

Also, Proposal to Amend the Constitution, No. 14.

Also, Substitute for Assembly Bill No. 112, entitled "An Act Changing the Salary of the County Treasurer of Nye County."

Also, Assembly Bill No. 111, entitled "An Act to Provide for the Care of the Insane of the State of Nevada, and to create a Fund for that purpose."

Also, Substitute for Assembly Bill No. 108, "An Act for the Erection of a State Orphan Home, and to provide for the same."

Also, Assembly Bill No. 96, entitled "An Act to amend an Act to Provide a Fund for the Payment of the Salaries of the District Judges of this State, and to regulate the disposition of the same, approved March 11th, 1867."

Also, Assembly Bill No. 65, entitled "An Act for the Limitation of the Hours of Labor."

Also, Assembly Bill No. 93, entitled "An Act concerning Sheriffs."

Also, Assembly Bill No. 121, entitled "An Act to submit to the People of the Counties of White Pine, Nye, and Lincoln, a proposition to give County Aid to a Railroad from Elko to the Colorado River."

JOHN S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Judiciary Committee, to whom was referred Assembly Bill No. 107, entitled "An Act to amend an Act entitled 'An Act regulating Rafting and Running Timber and Wood on the Rivers in the State of Nevada,'" report the same back to the House, recommending its amendment as follows :

Insert after the word "Nevada" in 4th line of first page, "*Approved March 3d, 1866,*" and the passage of the bill as amended.

Also, Senate Bill No. 81, entitled "An Act supplementary to an Act entitled "An Act Defining the Duties of the State Treasurer," report the same back, recommending its passage, amended as follows :

Strike out all after the word "Controller," in third line of page 4.

Also, Senate Bill No. 112, entitled "An Act to amend Section 84 of an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,'" recommending its passage, amended as follows :

Strike out in line 19 of Section 1 the words "allowed to the said County Treasurers," and insert in lieu thereof the words, "paid to the said County Treasurers upon their salaries, as the same shall accrue."

Also, Senate Bill No. 83, entitled "An Act supplementary to an Act entitled 'An Act to Establish the Financial Transactions of the State on a Coin Basis,'" recommending its passage without amendment.

Also, Senate Bill No. 101, entitled "An Act supplementary to an Act of the Legislative Assembly of the Territory of Nevada," recommending its passage without amendment.

Also, Assembly Bill No. 124, entitled "An Act to amend 'An Act to create the Office of State Printer, define the Duties and Compensation thereof, and provide for the Time and Manner of Election,'" recommending its passage without amendment.

C. J. HILLYER,  
Chairman.

## REPORT OF COMMITTEE OF CONFERENCE.

*Mr. Speaker:*

Your Committee of Conference, to whom was referred Assembly Bill No. 13, entitled "An Act to amend an Act to create a Board of County Commissioners in the several Counties of this State, and define their Duties and Powers," would respectfully report that they have not been able to obtain a meeting of conference with the Committee appointed on the part of the Senate, and your Committee ask leave to report the bill back to this House, and recommend that the Senate amendment be concurred in.

Respectfully submitted,

JOHN BOWMAN.  
J. M. WOODWORTH,  
F. W. RANDALL.

Amendment of Senate to Assembly Bill No. 13, entitled "An Act to amend an Act to create a Board of County Commissioners in the several Counties of this State, and to define their Duties and Powers," concurred in by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Moulton, Potter, Randall, Scott, Shimmin, Small, Welch, Woodworth, Wright, and Mr. Speaker—29.

NAYS—Messrs. Doolin, Mills, Richardson, and Waller—4.

## REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Select Committee, consisting of the Lander County delegation, beg leave to report that they have had under consideration Assembly Bill No. 53, entitled "An Act to Incorporate Treasure City, Lander County." Being at first somewhat skeptical with regard to the necessities for such incorporation, and as to the desire of the people of said City for such incorporation—availing ourselves of such evidence as we could command, we have come to a favorable conclusion thereon, and report the same back with amendments, and recommend its passage.

GEO. F. MILLS,  
G. D. COBURN,  
T. J. TENNANT,  
R. J. MOODY.

## MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, February 20th, 1869.

*To the Hon. Assembly of Nevada:*

I have this day approved Assembly Bill No. 20, "An Act prescribing Rules and Regulations for the Executions of the Trust arising under an Act of Congress entitled 'An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands,' approved March 2, 1867."

No. 64, "An Act to Aid in the Erection of the National Lincoln Monument."

H. G. BLASDEL,  
Governor.

## RESOLUTION.

By Mr. Potter:

*Resolved*, That the Sergeant-at-Arms be, and he is hereby, directed to draw his warrant in favor of—

Messrs, Mason & Huff for.....	\$ 8 00
Mr. Oscar Greenebaum.....	7 00
Mr. Augustus Ash.....	29 00
Mr. E. D. Sweeney.....	18 00

as reported from Committee on Contingent Expenses.

Adopted.

On motion of Mr. Potter, the vote by which the Resolution passed was reconsidered.

On motion of Mr. Mayhugh, the form of motion, and subject matter were referred to the Chairman of the Committee on Contingent Expenses.

## SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 20th, 1869. }

*To the Hon. the Assembly:*

I have the honor to herewith transmit for your consideration Senate Bill No. 145, "An Act for the relief of J. D. Minor."

I also return Assembly Bill No. 37, "An Act for the relief of A. M. Krutschnitt and his Bondsmen, the above bills having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 22d, 1869. }

*To the Hon. the Assembly:*

I am instructed to return to your honorable body, Assembly Substitute to Substitute to Assembly Bill No. 33, "An Act to Create the County of White Pine and Provide for its Organization," with the following amendments:

In Section 1, seventh line, after the word "Station" insert "on the westerly slope of Diamond Mountains."

In Section 3, sixth line, after "County Recorder" insert "County Clerk, H. M. Eddy."

In Section 5, third line, strike out the word "Two" and insert "Three," the same having passed the Senate, as amended, on February 20th, 1869.

On the same day notice given of motion to reconsider. February 22d, Senate refused to reconsider.

I am also instructed to herewith transmit for the consideration of your honorable body, Senate Bill No. 128, "An Act concerning Certain Expenses relative to Jurors in Civil Cases."

Also, Senate Bill No. 132, "An Act to provide for the Preservation of the Manuscript Laws and other important State Papers."

Also, Senate Bill No. 152, "An Act to amend an Act entitled 'An Act defining the Duties of the State Controller,' approved February 24, 1866."



Also, Senate Bill No. 153, "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Powers on the Controller and Treasurer,' approved February 7th, 1865." All of the above bills having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Senate Bill No. 145, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Humboldt delegation.

Assembly Substitute to Substitute to Assembly Bill No. 33, entitled "An Act to Create the County of White Pine, and Provide for its Organization."

Senate amendments, as per messages, concurred in by the following vote :

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Corbett, Dangberg, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moulton, Potter, Randall, Richardson, Scott, Small, Welch, Wright, and Mr. Speaker—27.

NAYS—Messrs. Cleveland, Coburn, Davis, Shakspeare, Shimmin, Tennant, and Waller—7.

Mr. Hillyer moved to suspend the rules in order to reconsider the vote by which the amendments were adopted.

Lost.

Senate Bill No. 153, as per message.

Read first time ; rules suspended ; read second time by title, and passed on file.

Senate Bill No. 152, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 132, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Committee on State Library.

Senate Bill No. 128, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Judiciary Committee.

#### NOTICES.

Mr. Tennant gave notice that he would on to-morrow introduce a bill entitled "An Act to authorize the several Counties of this State to issue Bonds in aid of Railroad Companies."

Mr. Tennant, pursuant to notice, introduced Assembly Bill No. 142, entitled "An Act to incorporate Shermantown."

Read first time ; rules suspended ; read second time by title, and referred to Lander County delegation.

Mr. Mayhugh, by leave, introduced Assembly Bill No. 143, entitled "An Act to amend an Act to Tax and regulate Foreign Insurance Companies."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Wright, by leave, introduced Assembly Bill No. 144, entitled "An Act to amend an Act entitled 'An Act in relation to Public Highways,' approved March 9th, 1866."

Read first time; rules suspended; read second time by title, and referred to Committee on Corporations.

Assembly Bill No. 128, entitled, "An Act to provide for the Issue and Sale of School Land Warrants."

Read third time and passed:

YEAS—Messrs. Barney, Bowman, Bunker, Burson, Burlingame, Davis, Ford, Gray, Hanson, Hillyer, King, Lammon, Mayhugh, Moulton, Randall, Scott, Shimmin, Small, Tennant, and Waller—20.

NAYS—Mr. Welch—1.

On motion of Mr. King, at 25 minutes to 1 P.M. the House took a recess for one hour.

In session—1:35 P.M.

Mr. Speaker *pro tem.* in the chair.

Roll called.

Quorum present.

Messrs. Shakspeare, Brown, Tennant, and Moody asked leave of absence for the remainder of the day.

Leave granted.

#### RESOLUTION.

By Mr. Potter:

*Resolved.* That the Sergeant-at-Arms be, and he is hereby directed to pay the persons hereinafter named the sums specified:

Mason and Huff.....	\$ 8 00
O. Greenebaum.....	7 00
E. D. Sweeney.....	18 00
Augustus Ash.....	29 00

Adopted.

On motion of Mr. Hillyer, the rules were suspended, and the vote by which Assembly Bill No. 128, entitled "An Act to provide for the Issuing and Sale of School Land Warrants" was passed, was reconsidered.

#### RESOLUTION.

By Mr. Hillyer:

*Resolved.* That Assembly Bills Nos. 128 and 129, be re-referred to the Committee on Public Lands.

Adopted.

## GENERAL FILE.

Assembly proposed amendment to the Constitution No. 14.

On motion of Mr. Hillyer, made the special order for this evening at 7 o'clock.

Substitute for Assembly Bill No. 112, entitled "An Act to amend an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada, approved March 9th, 1865,' approved March 11th, 1867."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Burson, Burlingame, Clark, Coburn, Dangberg, Davis, Doolin, Ford, Hanford, Hanson, Hillyer, Mayhugh, Mills, Potter, Richardson, Scott, Shakspeare, Shimmin, Waller, Welch, Woodworth, Wright and Mr. Speaker—26.

Assembly Bill No. 111, entitled "An Act to provide for the care of the Insane of the State of Nevada, and to create a Fund for that purpose."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moulton, Potter, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—29.

Assembly Bill No. 96, entitled "An Act to amend 'An Act to provide a Fund for the payment of the Salaries of the District Judges of this State, and to Regulate the Disposition of the same,' approved March 1st, 1867."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burlingame, Clark, Coburn, Davis, Doolin, Gray, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Wright, and Mr. Speaker—25.

NAYS—Mr. Woodworth—1.

## SPECIAL ORDER FOR TWO O'CLOCK P.M.

Assembly Bill No. 95, entitled "An Act to provide for the Payment of the Claim of John W. Keller against the City of Virginia."

Read third time and passed :

YEAS—Messrs. Anderson, Bowman, Bunker, Burson, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Hanford, Hanson, Lammon, Mayhugh, Mills, Moulton, Potter, Richardson, Shakspeare, Shimmin, Small, Waller, Welch, and Mr. Speaker—24.

NAYS—Messrs. Burlingame, Ford, Hillyer, and Woodworth—4.

## REPORT OF JUDICIARY COMMITTEE.

*Mr. Speaker :*

Your Judiciary Committee, to whom was referred Assembly Bills Nos. 3 and 16, relative to re-districting the State into Judicial Districts, report the same back to the House with a substitute bill, and recommend the adoption of the substitute.

C. J. HILLYER,  
Chairman.

Substitute Assembly Bill No. 3, entitled "An Act to Re-district the State of Nevada into Judicial Districts, and to fix the Salaries of Judges and the Terms of Court therein."

Read and adopted.

On motion of Mr. Potter, ordered printed, and made the special order for Wednesday, February 24th, at 2 o'clock P.M.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker:*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following bills, viz :

Assembly Bill No. 37, "An Act for the relief of A. M. Krutchnitts and his bondsmen," with the engrossed copy as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,  
Chairman.

#### SPECIAL ORDER.

Senate Joint Resolution No. 23, amending Sections 2 and 29 of Article 4 of the State Constitution.

Read third time.

Mr. Potter moved that the resolution be referred to a special Committee of One, with instructions to strike out the "first Monday in February," and insert the "third Monday in January."

Agreed to.

The Committee reported the resolutions back amended, as per instructions.

Report adopted and Committee discharged.

On motion of Mr. Hillyer, the House resolved itself into the Committee of the Whole for the consideration of the resolutions. Mr. Hillyer in the chair.

In time the Committee rose, and reported the resolutions back to the House with amendment, and recommending its passage as amended.

Report adopted and Committee discharged.

On motion, Mr. Hillyer was appointed a Special Committee of One, with instructions to strike out the clause of the resolution, also to strike out the first figure "two," number of section, and insert the figure "one," and to strike out in Section 1 the word "said" before the word "article," and insert after that word the figure "four."

The Committee reported the bill back amended, as per instructions; report adopted, and Committee discharged.

Roll called, and resolutions passed :

YEAS—Messrs. Anderson, Barney, Bowman, Clark, Coburn, Corbett, Doolin, Gray, Hanford, Hillyer, King, Maybugh, Mills, Potter, Richardson, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—21.

NAYS—Messrs. Bunker, Burson, Dangberg, Davis, Ford, Hanson, Moulton, Scott, Shakspeare, and Shimmin—10.

## REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Assembly Bill, viz: Assembly Bill No. 33, "An Act to create the County of White Pine, and Provide for its Organization," with the engrossed copy, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,  
Chairman.

Mr. Mayhugh asked leave of absence for the remainder of the day.  
Leave granted.

Messrs. Corbett, Wright, and Bowman were also granted leave of absence for the remainder of the day.

On motion of Mr. Welch, at 4.45 P.M. the House took a recess until 7 o'clock P.M.

## EVENING SESSION.

7 o'clock P.M. Mr. Small in the chair.

Quorum present.

On motion of Mr. King, a call of the House was ordered.

Roll called.

Absent—Messrs. Burlingame, Clark, Hanson, Hillyer, Potter, Scott, and Shimmin.

On motion of Mr. Cleveland, the further call of the House was dispensed with.

Mr. Mills moved to adjourn.

Lost.

Mr. Cleveland moved to postpone the special order to to-morrow night at 7 o'clock P.M.

Lost.

On motion of Mr. Cleveland, the House resolved itself into the Committee of the Whole, Mr. Bowman in the chair, for the consideration of the special order. Proposed amendment, No. 14, to the Constitution.

In time the Committee rose, and reported the proposed amendment back to the House, recommending its passage.

Mr. Hillyer moved to adjourn.

Lost.

Mr. Welch moved to make the resolution the special order for to-morrow, February 24th, at 12 M.

Upon which the ayes and noes were called for by Messrs. Potter, Bowman, and King.

Roll called, and motion lost :

YEAS—Messrs. Barney, Brown, Burson, Davis, Doolin, Gray, Hanson, Hillyer, King, Mills, Richardson, Scott, Shimmin, Small, Welch, Woodworth, and Wright—17.

NAYS—Messrs. Anderson, Bowman, Bunker, Clark, Cleveland, Coburn, Corbett, Ford, Lammon, Moody, Moulton, Potter, Randall, Rule, Shakspeare, Tennant, and Waller—17.

On motion of Mr. Mills, at 8.37 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FIFTY-SECOND DAY.

WEDNESDAY, February 24th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Father Gleeson.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Public Morals, to whom was referred Senate Bill No. 126, "An Act in relation to the Solemnization of Marriages," have had the same under consideration, and have instructed their Chairman to report the same back and recommend its passage without amendment.

W. D. GRAY,  
Chairman.

*Mr. Speaker :*

Your Committee on Claims, to whom was referred Assembly Bill No. 136, "An Act to provide for the payment of the Claim of A. W. Nightingill, have had the same under consideration and recommend its passage with the following amendments: Wherever the words "fifteen hundred" occur, insert "one thousand"

S. C. WRIGHT,  
A. K. POTTER,  
C. P. SHAKSPERE.

*Mr. Speaker :*

Your Standing Committee on Judiciary, to whom was referred Senate Bill No. 152, entitled "An Act to amend an Act entitled 'An Act defining the Duties of the State Controller,' approved February 24, 1866," have had the same under consideration, and have directed their Chairman to report the same back to the House, with substitute, and recommend the passage of the substitute bill.

C. J. HILLYER,  
Chairman.

Assembly Substitute for Senate Bill No. 152, entitled "An Act to amend an Act entitled 'An Act defining the Duties of the State Controller,' approved February 24, 1866."

Read and adopted.

On motion of Mr. Hillyer, the rules were suspended.

Bill considered engrossed.

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—36.

*Mr. Speaker :*

Your Standing Committee on Corporations, to whom was referred Assembly Bill No. 74, entitled "An Act to amend an Act entitled 'An Act to grant the right to construct a Toll Road from Virginia City to Truckee Meadows and Steamboat Valley, in Washoe and Storey Counties,'" beg leave to report that they have had the same under consideration, have directed their Chairman to report the bill back and recommend its passage.

Also, Assembly Bill No. 144, entitled "An Act to amend an Act entitled 'An Act in relation to Public Highways,'" beg leave to report that they have had the same under consideration, and have directed their Chairman to report the bill back and recommend its passage.

GEO. I. LAMMON,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee, appointed for the purpose of examining and reporting upon claims against the Contingent Fund of the last Assembly, respectfully submit and recommend the adoption of the following resolutions:

1st. *Resolved*, That the Sergeant-at-Arms be and he is hereby directed to pay out of the Assembly Contingent Fund the sum of two hundred dollars [to] Wm. M. Gillespie, on the surrender to him as his vouchers two several warrants issued to said Gillespie by the last Assembly, on its Contingent Fund, which failed to be paid because of the veto of the Legislative Fund Bill of that session by the Governor.

2d. *Resolved*, That the Sergeant-at-Arms be and he is hereby directed to pay out of the Contingent Fund of the Assembly, on the surrender of the properly issued scrip therefor, the following sums to the persons named, the same having

not been paid because of the Governor's veto of the Legislative Fund Bill of the last extra session of the State Legislature, viz :

A. D. Brill, Enrolling Clerk.....	\$180 00
D. A. Horton, stationery.....	3 90
T. S. Davenport, extra services as Minute Clerk of the Assembly....	120 00

All of which is respectfully submitted,

J. A. BURLINGAME,  
Chairman.

#### RESOLUTIONS.

By Mr. Bowman :

*Resolved*, That a Committee of Three, consisting of Messrs. Hillyer, Welch, and Doolin, be appointed, with instructions to confer with His Excellency the Governor on the subject of calling an extra session in order to give further time for the consideration and discussion of that all-important subject, the proposed Constitutional Amendment No. 14.

Laid on the table.

By Mr. Shakspeare :

*Resolved*, That this Assembly Chamber shall be at the service of Rev. Mr. Allen next Tuesday evening, from seven to eight o'clock, for the purpose of preaching.

Mr. Wright moved to indefinitely postpone the resolution.

Lost.

Resolution adopted.

By Mr. Mayhugh :

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to issue his scrip to the Rev. Mr. Hammond, Rev. Mr. Fraser, and Rev. Father Gleeson, for the sum of one hundred and twenty dollars each, for services as officiating clergy of this House.

Adopted.

Mr. Shimmin introduced Assembly Joint Resolution No. 31, relative to the Walker River Indian Reservation in Esmeralda County.

Read first time ; rules suspended ; read second time by title, and referred to the Committee on Federal Relations.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 23d, 1869. }

*To the Hon. the Assembly :*

I am instructed to herewith transmit, for the consideration of your honorable body, Senate Bill No. 92, "An Act to amend an Act entitled 'An Act concerning Crimes and Punishments,' approved November 26, 1861."

Also, Senate Bill No. 130, "An Act to provide for the payment of the Outstanding Indebtedness of Humboldt County."

The same having this day passed the Senate.



I also return to your honorable body Assembly Bill No. 78, "An Act to restrict Gaming."

Also, Assembly Joint Resolution No. 28, relative to Mount Vernon Grounds. The above bills having this day passed the Senate.

Also, Substitute for Assembly Bill No. 29, "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," with the following amendments:

In Section 30, line 8, strike out the word "sued" and insert the word "served" in lieu thereof.

In Section 162, line 20, strike out the word "county" and insert in lieu thereof the words "parties to the action."

In Section 407, last line, add the words "or resides within the county, but more than fifty miles from the place of trial."

In Section 507, line 3, strike out the words "township" (in printed copy) and insert the word "county."

The same having this day passed the Senate as amended.

I also am instructed to inform your honorable body that the Senate has this day concurred in Assembly amendments to Senate Bill No. 138, "An Act supplementary to an Act entitled 'An Act to create Legislative Funds,' passed February 5, 1869."

Respectfully,

CHAS. F. BICKNELL,

Assistant Secretary Senate.

Senate Bill No. 92, as per message.

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

Senate Bill No. 130, as per message.

Read first time; rules suspended; read second time by title, and referred to the Humboldt County delegation.

Substitute Assembly Bill No. 29, as per message.

Senate amendments concurred in by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Cleveland, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moulton, Potter, Richardson, Scott, Shakspeare, Shimmin, Welch, Woodworth, Wright, and Mr. Speaker—29.

NAYS—Mr. King—1.

Mr. Moulton asked leave of absence for Mr. Bunker for one day.

Leave granted.

Mr. Doolin, by leave, introduced Assembly Bill No. 147, entitled "An Act to amend 'An Act providing for the removal of County Seats and the permanent location of the same,' approved March 2, 1867."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Proposed amendment No. 14 to the Constitution, taken up.

On motion of Mr. Mills, a call of the House was ordered.

Roll called.

Absent—Messrs. Moody, Potter, Tennant, and Waller.

Messrs. Tennant and Waller appearing at the bar of the House, were, on motion, excused.

Mr. Bowman moved that the further call of the House be dispensed with.  
Lost.

Mr. Hillyer moved that the further proceedings under the call of the House be dispensed with.  
Lost.

Mr. Moody appearing at the bar of the House, was admitted and excused.

On motion of Mr. Hillyer, the further call of the House was dispensed with.

Proposed amendment No. 14 to the Constitution, read.

Roll called.

Amendment lost.

YEAS—Messrs. Barney, Burson, Burlingame, Dangberg, Davis, Doolin, Gray, Hanson, Hillyer, Lammon, Mayhugh, Richardson, Scott, Shimmin, Small, Woodworth, and Wright—17.

NAYS—Messrs. Anderson, Bowman, Brown, Bunker, Clark, Cleveland, Coburn, Corbett, Ford, Hanford, King, Mills, Moody, Moulton, Randall, Rule, Shakspeare, Tennant, Waller, Welch, and Mr. Speaker—21.

Mr. Welch gave notice that he would on to-morrow move to reconsider the vote by which the amendment was lost.

On motion of Mr. Welch, the rules were suspended and proposed amendment to the Constitution No. 13 taken up.

Read.

Upon the passage of the amendment, Mr. Bowman called for the previous question.

Which was sustained.

Roll called.

Resolution passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Moulton, Scott, Shimmin, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—24.

NAYS—Messrs. Clark, Cleveland, Coburn, Doolin, King, Mayhugh, Mills, Moody, Randall, Richardson, Rule, Shakspeare, Small, and Waller—14.

Mr. Woodworth moved to take a recess for one hour.

Lost.

Mr. Moulton gave notice that he would on to-morrow move to reconsider the vote by which proposed amendment No. 13 passed.

Mr. Hillyer, by leave, introduced Assembly Bill No. 148, entitled "An Act to enable a certain class of Claimants against the State, to appeal to the Courts."

Read first time; rules suspended; read second time by title; rules further suspended; considered engrossed; read third time and passed:

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moulton, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—31.

Mr. Hillyer, by leave, introduced Assembly Bill No. 149, entitled "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer,' approved February 7th. 1865."

Read first time; rules suspended; read second time by title; rules further suspended; considered engrossed; read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Cleveland, Coburn, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Mayhugh, Mills, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—28.

On motion of Mr. Hillyer, the Clerk was directed to transmit to the Senate immediately Assembly Substitute for Senate Bill No. 152 and Assembly Bills Nos. 148 and 149.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker:*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Assembly Bill, viz: Assembly Bill No. 13, "An Act to amend an Act to create a Board of County Commissioners in the several Counties of this State, and to define their Duties and Powers, approved March 8th, A.D. 1865," with the engrossed copy, as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

C. D. KING,  
Chairman.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared Substitute for Senate Bill No. 152, entitled "An Act to amend an Act defining the Duties of the State Controller, approved February 24, 1866," and have found the same correctly engrossed.

JOHN S. MAYHUGH,  
Chairman.

#### REPORT OF SELECT COMMITTEES.

*Mr. Speaker:*

Your Select Committee, composed of the Lander delegation, to whom was referred Assembly Bill No. 142, "An Act to Incorporate Shermantown," have had the same under consideration, and report the same back to the House, and recommend its passage.

T. J. TENNANT,  
R. J. MOODY,  
GEO. D. COBURN,  
GEO. F. MILLS.

*Mr. Speaker :*

The following named members of your Special Committee of one from each county, to whom was referred Assembly Bill No. 66, entitled "An Act to abolish Capital Punishment," report the same back to the House, and recommend its passage.

THOS. J. TENNANT,  
W. H. CORBETT,  
W. DOOLIN,  
A. B. WALLER,  
JOHN S. MAYHUGH.

Mr. Tennant, pursuant to notice, introduced Assembly Bill No. 150, entitled "An Act to authorize the several Counties of the State to issue Bonds in aid of Railroad Companies."

Read first time; rules suspended; read second time by title; ordered printed, and referred to the Committee on Railroads.

On motion of Mr. Welch, at 1:15 minutes P.M. the House took a recess for one hour.

In session—2:15 P.M.

Quorum present.

Mr. Wright asked leave of absence for Mr. Hanson for the remainder of the day.

Leave granted.

Consideration of the General File resumed.

Assembly Bill No. 65, entitled "An Act for the Limitation of the Hours of Labor.

Read third time.

On motion of Mr. Welch, a call of the House was ordered.

Roll called.

Absent—Messrs. Cleveland, Ford, Hillyer, King, Mayhugh, Mills, Moody, Potter, and Richardson.

Messrs. Mayhugh, Hillyer, and Cleveland appearing at the bar of the House, were, on motion, excused.

On motion, the further call of the House was dispensed with.

Roll called on the passage of Assembly Bill No. 65, and bill passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hanford, Hillyer, Lammon, Mayhugh, Moulton, Randall, Scott, Shimmin, Small, Welch, Woodworth, and Mr. Speaker—25.

On motion of Mr. Cleveland, Senate Bill No. 83, entitled "An Act supplementary to an Act entitled 'An Act to establish the Financial transactions of the State on a Coin Basis,' approved February 2d, 1869," and making provisions by which County Commissioners and municipalities may be enabled to convey the possession thereof was taken up, read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Gray, Hanford, Hillyer, Mayhugh, Mills, Randall, Rule, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—27.

NAYS—Messrs. Dangberg and Scott—2.

#### REPORT OF SPECIAL COMMITTEE.

*Mr. Speaker :*

Your Special Committee, consisting of the Humboldt delegation, to whom was referred Senate Bill No. 130, have had the same under consideration, and report the same back, recommending its passage with the following amendment :

In Section 5, line 16, strike out "ten" and insert "thirty."

All of which is respectfully submitted,

J. M. WOODWORTH,  
R. H. SCOTT,  
T. W. RULE.

On motion of Mr. Woodworth, the rules were suspended, and Senate Bill No. 13, entitled "An Act to provide for the payment of the outstanding and other Indebtedness of Humboldt County."

Read third time.

On motion, referred to a Special Committee of one with instructions to amend as recommended by the Committee.

The Committee reported the bill back to the House, amended as per instructions.

Roll called, and bill passed :

YEAS—Messrs. Barney, Bowman, Brown, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hillyer, King, Mayhugh, Moulton, Randall, Richardson, Rule, Scott, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Wright—28.

#### SPECIAL ORDER.

Substitute for Assembly Bills Nos. 16 and 3, entitled "An Act to re-district the State of Nevada."

On motion, the House resolved itself into the Committee of the Whole, Mr. Hillyer in the chair, for the consideration of the Special Order.

In time the Committee rose, reported the bill back to the House with amendments, recommending its passage as amended.

Report of Committee adopted, and bill ordered engrossed.

Assembly Bill No. 93, entitled "An Act concerning Sheriffs."

Read third time.

Mr. Anderson moved to refer the bill to a Special Committee of one, with instructions to strike out Section 17.

Lost.

Roll called, and bill passed :

YEAS—Messrs. Anderson, Bowman, Brown, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hillyer, King, Lammon, Mayhugh, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Welch, Woodworth, Wright, and Mr. Speaker—27.

Mr. Brown, by leave, introduced Assembly Bill No. 152, entitled "An Act to further amend an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 1st, 1866."

Read first time; rules suspended; read second time by title, and referred to Committee on Ways and Means.

#### RESOLUTION.

By Mr. Woodworth:

*Resolved*, That the Porter of this House be, and he is hereby, instructed to delay the sweeping of the floor of this House until the Clerks shall have finished their duties for each day.

Adopted.

The rules were suspended; and, on motion of Mr. Wright, Assembly Bill No. 124, entitled "An Act to amend an Act entitled 'An Act to Create the Office of State Printer, define the Duties and Compensation thereof, and provide for the Time and Manner of Election,' approved January 10th, 1865," was taken up; considered engrossed; read third time, and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Potter, Randall, Richardson, Rule, Shakspeare, Small, Welch, Woodworth, Wright, and Mr. Speaker—26.

NAYS—Mr. Scott—1.

On motion of Mr. Wright, at 4:32 P.M. the House took a recess until 7 o'clock P.M.

#### EVENING SESSION.

7 o'clock P.M.

Quorum present.

Mr. Speaker in the chair.

Senate Substitute Bill No. 52, entitled "An Act amendatory of an Act entitled 'An Act for the Maintenance and Supervision of Public Schools,' approved March 20th, 1865, and the Acts amendatory thereof."

Amendments of Committee adopted.

Messrs. Wright and Shakspeare were granted leave of absence for the remainder of the day.

Bill read third time and passed:

YEAS—Messrs. Bowman, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hillyer, King, Moulton, Potter, Randall, Richardson, Scott, Shimmin, Tennant, and Welch—22.

NAYS—Mr. Woodworth—1.

Assembly Bill No. 120, entitled "An Act to Incorporate the Town of Hamilton."

Ordered engrossed.

Senate Substitute [Bill], No. 99, for Assembly Substitute Bill No. 14, entitled "An Act supplementary to an Act entitled 'An Act to Prohibit carrying Concealed Weapons,' approved February 27th, 1867."

Mr. Tennant moved to indefinitely postpone the bill.

Mr. Doolin moved, as a substitute, that the bill be placed at the bottom of the File.

Carried.

Substitute Assembly Bill No. 2, entitled "An Act to define the Boundary Line between the County of Nye and the Counties of Churchill and Esmeralda."

Ordered engrossed.

Senate Bill No 81, entitled "An Act supplementary to an Act entitled 'An Act defining the Duties of the State Treasurer,' approved February 2d, 1866."

Amendments of Committee adopted.

Bill read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Burson, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hillyer, King, Lammon, Mills, Moulton, Potter, Richardson, Scott, Shimmin, Small, Tennant, Welch, Woodworth, and Mr. Speaker—27.

Senate Bill No. 112, entitled "An Act to amend Section 84 of an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865, approved February 24th, 1866."

Amendments of Committee adopted.

Bill read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Burson, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hillyer, King, Lammon, Mills, Moulton, Potter, Richardson, Scott, Shimmin, Small, Welch, Woodworth, and Mr. Speaker—25.

Senate Bill No. 101, entitled "An Act supplementary to 'An Act of the Governor and Legislative Assembly of the Territory of Nevada,' approved November 21st, 1861, entitled 'An Act defining the Time of commencing Civil Actions,'"

Read third time and passed :

NAYS—Messrs. Anderson, Barney, Bowman, Burson, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hillyer, King, Lammon, Mills, Moulton, Potter, Richardson, Scott, Shimmin, Small, Welch, Woodworth, and Mr. Speaker—25.

## REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker :*

Your Standing Committee upon Engrossment beg leave to report that they have carefully read and compared the following Assembly Bill, viz :

Substitute for Assembly Bills Nos. 16 and 3, "An Act to re-district the State of Nevada," with the original bill, and found the same correctly engrossed.

J. K. BARNEY,  
Chairman *pro tem*.

Assembly Substitute for Assembly Bills Nos. 16 and 3, entitled "An Act to re-district the State of Nevada."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hillyer, King, Mills, Moulton, Potter, Richardson, Scott, Shimmin, Small, Welch, Woodworth, and Mr. Speaker—25.

Assembly Bill No. 107, entitled "An Act to amend an Act entitled 'An Act regulating Rafting and Running Timber and Wood on the Rivers of the State of Nevada.'"

Amendments of Committee adopted, and bill ordered engrossed.

Senate Bill No. 153, entitled "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Powers on the Controller and Treasurer,' approved February 7th, 1865."

Indefinitely postponed.

Assembly Bill No. 53, entitled "An Act to Incorporate Treasure City."

Amendments of Committee adopted, and bill ordered engrossed.

Senate Bill No. 126, entitled "An Act in relation to the Solemnization of Marriages."

Read third time.

Mr. Doolin moved to lay the bill on the table.

Upon which the ayes and noes were called for by Messrs. Gray, Hillyer, and Dangberg, and motion lost :

YEAS—Messrs. Bowman, Corbett, Coburn, Doolin, Ford, Potter, Welch, and Woodworth—8.

NAYS—Messrs. Anderson, Barney, Burlingame, Cleveland, Dangberg, Davis, Gray, Hillyer, King, Mills, Moulton, Richardson, Scott, Shimmin, Small, and Mr. Speaker—16.

Mr. Potter moved to make the bill the special order for March 5th.  
Lost.

Mr. Bowman moved the previous question.  
Lost.



On motion of Mr. Cleveland, the bill was made the special order for Thursday, February 25th, at 12 M.

Assembly Bill No. 136, entitled "An Act to provide for the payment of the claim of A. W. Nightingill," recommitted to the Committee on Claims.

Assembly Bill No. 144, entitled "An Act to amend an Act entitled 'An Act in relation to Public Highways.'"

Ordered engrossed.

Assembly Bill No. 66, entitled "An Act to abolish Capital Punishment."

Mr. Mills moved that the bill be indefinitely postponed.

Mr. Welch moved as a Substitute that the bill be made the special order for Thursday, February 25th, at 2 P.M.

Carried.

Assembly Bill No. 142, entitled "An Act to incorporate Shermantown, Lander County."

Ordered engrossed.

Assembly Bill No. 74, entitled "An Act to amend an Act entitled 'An Act to grant the right to construct a Toll Road from Virginia City to Truckee Meadows and Steamboat Valley, in Washoe and Storey Counties.'"

Ordered engrossed and made the Special Order for to-morrow, Thursday, February 25th, at 2 P.M.

Mr. Potter asked to be excused from serving as a member of the Committee on Contingent Expenses.

House refused to excuse him.

#### MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, February 23d, 1869. }

*To the Hon. Assembly of Nevada:*

I have this day approved Substitute for Assembly Bill No. 36, "An Act to provide for the erection of a State Capitol at Carson City."

H. G. BLASDEL,  
Governor.

On motion of Mr. Woodworth, at 9:12 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FIFTY-THIRD DAY.

THURSDAY, February 25th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Fraser.

Journal read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Public Lands, to whom was re-referred Assembly Bill No. 128, beg leave to report the same back without amendments, and recommend its passage.

Also, Assembly Bill No. 129, with a substitute for the same, recommending the passage of the substitute.

J. M. WOODWORTH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Corporations, to whom was referred Assembly Bill No. 19, entitled "An Act to protect the Rights of Stockholders in Mines and Mining Claims," beg leave to report that they have had the same under consideration, and submit the following amendments :

In Section 1, line four, insert between the words "interested" and "and—" "from 12 o'clock until half-past 1 o'clock P.M."

Section 2, line one, strike out the word "one" and insert the word "five," and recommend its passage.

GEO. I. LAMMON,  
Chairman.

*Mr. Speaker :*

Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 92, entitled "An Act in relation to Swamp and Overflowed Lands," beg leave to report that they have duly considered the same, that they have prepared a substitute therefor which they have directed their Chairman to report to the House, and recommend its passage.

R. H. SCOTT,  
Chairman.

Substitute for Assembly Bill No. 92, entitled "An Act in relation to Swamp and Overflowed Lands," as reported from Committee.

Adopted.

Substitute Assembly Bill No. 129, entitled "An Act to provide for the Selection and Sale of the School Lands donated to the State of Nevada," as reported from Committee.

Adopted.

*Mr. Speaker :*

Your Committee on State Library, to whom was referred Senate Bill No. 132, "An Act to provide for the Preservation of the Manuscript Laws, and other important State Papers," beg leave to report that they have considered the same, and report the bill back to the House without amendment, and recommend its passage.

WM. H. CORBETT, Chairman.  
A. K. POTTER,  
J. A. BURLINGAME.

*Mr. Speaker :*

Your Committee on Contingent Expenses have had the following claims under consideration :

M. D. Judkins.....	\$166 00
E. B. Rail.....	43 00
C. N. Noteware.....	63 00

and others, under consideration, and report the same back to the House without recommendation.

A. K. POTTER, Chairman.  
J. L. RICHARDSON,  
THOS. C. FORD,  
A. C. CLEVELAND,  
E. CLARK.

*Mr. Speaker :*

Your Committee on Free Conference on Senate Bill No. 10, would report that they met the Committee from the Senate, and have agreed that the Committee on the part of the House would recommend that the Assembly do recede from its amendments to said bill.

JOHN BOWMAN,  
Chairman.

The question being, Shall the House recede from its amendments ?

The roll was called, and the report of the Committee concurred in :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Coburn, Corbett, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Moody, Moulton, Potter, Rule, Scott, Shimmin, Wright, and Mr. Speaker—24.

NAYS—Messrs. Cleveland, Doolin, and Mills—3.

*Mr. Speaker :*

Your Standing Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 31, relative to the Walker River Indian Reservation in Esmeralda County, have had the same under consideration, and directed their Chairman to report the same back to the House, and recommend its passage.

JOHN WELCH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Joint Resolution, viz : Assembly Joint Resolution relative to Mount Vernon Grounds, with the engrossed copy, as passed by the two Houses, and found the same correctly enrolled, and have this day filed the same with the Secretary of State.

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

The undersigned, of the Select Committee, to whom was referred Assembly Bill No. 122, "An Act supplementary to an Act entitled 'An Act for the purpose of placing the Finances of Lyon County upon a Permanent Cash Basis, and to provide for the payment of the Outstanding Indebtedness of said County,' approved February 4, 1869," have had the same under consideration, and beg leave to report it back, recommending its passage.

It appears from the evidence touching this matter that Waterman, Harris, and others were indicted in the county of Lyon upon a charge of robbery ; that upon application of Harris and Waterman, a change of venue was taken to the county of Storey, in which county they were tried ; that the county of Storey paid the costs of trial, amounting to a sum exceeding the sum of fourteen hundred dollars (\$1,400) ; that subsequently the county of Storey presented to the proper authorities of the county of Lyon a claim for the sum paid out as aforesaid. The authorities of the latter county refused to allow the claim, and by agreement of parties the matter was submitted to the District Court of the Second Judicial District for determination. The latter Court found that the county of Storey was entitled to the amount inserted in the bill now under consideration.

The undersigned beg to state that under the law, and upon every principle of right and justice, it was the duty of Lyon County to have reimbursed Storey County with the sum specified by the Court, in the prosecution of the persons indicted in Lyon County, and who were her prisoners, immediately upon the presentation of the bill, and this Act, the passage of which we recommend, only compels that to be done, which should have been done freely and without compulsion.

Signed,

J. M. HANFORD,  
Chairman.  
C. J. HILLYER,  
J. A. BURLINGAME.

*Mr. Speaker :*

The part of your Select Committee, consisting of the entire Lyon delegation, to whom was referred Assembly Bill No. 122, entitled "An Act supplemental to Assembly Bill No. 18, entitled 'An Act for the purpose of placing the Finances of Lyon County upon a permanent Cash Basis, and to provide for the payment of the outstanding Indebtedness of the said county,' approved February 4th, 1869," beg leave to report as follows adversely to said bill for the following reasons :

Storey County obtained judgment against Lyon County in the Ormsby County District Court, on the 23d day of September, 1868, and execution issued for judgment and costs, amounting to \$870.00. This was presented for payment upon the 15th of February, 1869, and in compliance with Section 8 of the Act above referred to, this account was allowed and audited, and made payable out of the Redemption Fund of Lyon County, and we think if this account should, by special enactment, be made a preferred claim, it would be entirely unjust to other claims of a similar character, now outstanding against Lyon County, and the effect of the precedent thus established would cause great confusion as well as injustice to other claims of the same class, as should we allow this claim, others would come in with equal rights, asking for their claims also to be made preferred, and we know of no good reason why they should not be so treated if this bill pass. The difference sought to be remedied by the passage of this bill would only amount to but little over one hundred dollars, and we do not think the exigencies of the case demand such action.

All of which we respectfully submit, and would recommend that the bill do not pass.

CHAS. D. KING,  
J. K. BARNEY,  
THOS. C. FORD.

*Mr. Speaker :*

Your Special Committee of one member from each county, and two from Storey, to whom was referred Assembly Bill No. 66, entitled "An Act to abolish Capital Punishment," have had the same under consideration, and beg leave to submit an adverse report to the one already presented, recommending that it do not pass.

Signed,

J. M. WOODWORTH,  
T. C. FORD,  
F. W. RANDALL,  
J. W. ANDERSON,  
N. E. BUNKER,  
H. F. DANGBERG,  
J. M. HANFORD.

*Mr. Speaker :*

Your Special Committee, consisting of the Storey delegation, to whom was referred Assembly Bill No. 119, entitled "An Act for the relief of John A. Collins," beg leave to report that they have had the same under consideration, propose to strike out "three thousand dollars" and insert therein "fifteen hundred dollars," report the same back, and with the proposed amendment recommend its passage.

W. D. GRAY,  
D. O. ADKISON,  
W. BROWN,  
GEO. I. LAMMON,  
A. K. POTTER,  
J. A. BURLINGAME,  
JOHN WELCH,  
I. S. BURSON.

#### RESOLUTIONS.

By Mr. Mayhugh:

*Resolved,* That the Resolution passed yesterday allowing the Rev. Mr. Hammond, Rev. Mr. Fraser, and the Rev. Father Gleeson, the sum of one hundred and twenty dollars (\$120) each for services as officiating clergy of this House be and the same is hereby rescinded.

Adopted.

By Mr. Mayhugh:

*Resolved,* That the Sergeant-at-Arms be authorized to draw his scrip on the Legislative Fund in favor of Rev. J. D. Hammond, Rev. Mr. Fraser, and Rev. Father Gleeson, for the sum of one hundred dollars each, for services as Chaplains of the Assembly during the present session.

Mr. Mills moved to lay the resolution on the table.

Upon which the ayes and noes were called by Messrs. Wright, Potter, and Welch, and motion lost:

YEAS—Messrs. Coburn, Doolin, Mills, Moody, Moulton, Rule, Waller, and Tennant—8.

NAYS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Cleveland, Dangberg, Davis, Gray, Hanford, Hanson, Hillyer, Mayhugh, Potter, Randall, Richardson, Shimmin, Small, Welch, Woodworth, Wright, and Mr. Speaker—21.

Mr. Bowman moved to adopt the resolution.

On motion of Mr. Cleveland, the Special Order was postponed temporarily.

Mr. Mayhugh moved to amend by striking out "legislative" and inserting "contingent," and striking out "Chaplain" and inserting "officiating clergy."

Lost.

Upon the adoption of the original resolution, the ayes and noes were called for by Messrs. Hillyer, Mayhugh, and Bowman.

Roll called.

Resolution adopted.

YEAS—Messrs. Barney, Bowman, Bunker, Cleveland, Corbett, Dangberg, Davis, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Moody, Potter, Randall, Richardson, Scott, Shimmin, Small, Welch, Wright, and Mr. Speaker—24.

NAYS—Messrs. Anderson, Burson, Clark, Coburn, Doolin, Ford, Mills, Moulton, Rule, Shakspeare, Tennant, Waller, and Mr. Woodworth—13.

#### SPECIAL ORDER.

Senate Bill No. 126, entitled "An Act in relation to the Solemnization of Marriages."

Mr. Woodworth moved that the bill be referred to a Special Committee of One, with instructions to strike out the words "Governor and Lieutenant-Governor."

Lost.

Mr. Welch moved that the bill be referred to a Special Committee of One, with instructions to add "State Controller, State Treasurer, State Printer, and the Governor's Private Secretary."

Carried.

The Committee reported the bill back to the House amended as per instructions, and Committee discharged.

On motion, Mr. Bowman was appointed a Special Committee of One, with instructions, after the officers named in the bill, to insert "all county and township officers, or any other man."

The Committee reported the bill back to the House, amended as per instructions.

Report adopted and Committee discharged.

On motion, Mr. Moody was appointed a Special Committee of One, with instructions to amend by inserting "and all the newly elected officers of White Pine County, including the Speaker of the House and George Tufley."

The Committee reported the bill back to the House, amended as per instructions.

Report adopted and Committee discharged.

On motion, Mr. Mayhugh was appointed a Special Committee of One, with instructions to insert "Chloride Johnny."

The Committee reported the bill back to the House, amended as per instructions.

Report adopted and Committee discharged.

Bill read third time and passed:

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Hanford, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Shakspeare, Tennant, Waller, Welch, and Woodworth—21.

NAYS—Messrs. Barney, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Hanson, Hillyer, Moulton, Richardson, Shimmin, Small, and Mr. Speaker—14.

Mr. Welch, pursuant to notice, moved to reconsider the vote by which, on yesterday, the proposed amendment to the Constitution, No. 14, was lost.

On motion of Mr. Moulton, a call of the House was ordered.

Roll called.

Absent—Mr. Wright.

Mr. Wright appearing at the bar of the House, was admitted and excused.

On motion of Mr. Hillyer, the further call of the House was dispensed with.

The roll was called, and motion to reconsider carried :

YEAS—Messrs. Anderson, Barney, Brown, Burson, Burlingame, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Richardson, Scott, Small, Shimmin, Shakspeare, Welch, Woodworth, and Wright—22.

NAYS—Messrs. Bowman, Bunker, Clark, Cleveland, Coburn, Corbett, Ford, King, Mills, Moody, Moulton, Potter, Randall, Rule, Tennant, Waller, and Mr. Speaker—17.

The question recurring upon the passage of the amendment.

Roll called, and resolution passed :

YEAS—Messrs. Anderson, Barney, Brown, Burson, Burlingame, Dangberg, Davis, Doolin, Gray, Hanson, Hillyer, Lammon, Mayhugh, Richardson, Scott, Shakspeare, Shimmin, Small, Welch, Woodworth, and Wright—21.

NAYS—Messrs. Bowman, Bunker, Clark, Cleveland, Coburn, Corbett, Ford, Hanford, King, Mills, Moody, Moulton, Potter, Randall, Rule, Tennant, Waller, and Mr. Speaker—18.

Mr. Moulton, pursuant to notice, moved to reconsider the vote by which, on yesterday, proposed amendment No. 13 passed the House.

Roll called, and motion carried :

YEAS—Messrs. Bowman, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Hanford, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Shimmin, and Waller—20.

NAYS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Gray, Hanson, Hillyer, Lammon, Richardson, Scott, Shakspeare, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—19.

Mr. Welch moved to take a recess until 2 o'clock P.M.

Lost.

Mr. Woodworth moved the previous question.

Agreed to.

Roll called on the passage of the proposed amendment No. 13 to the Constitution, and resolution lost:

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Dangberg, Gray, Hanson, Hillyer, Lammon, Richardson, Scott, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—18.

NAYS—Messrs. Bowman, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Hanford, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Shakspeare, Shimmin, Small, and Waller—21.

On motion of Mr. Wright, at 1 o'clock P.M. the House took a recess until 2 o'clock P.M.

In session—2 o'clock P.M.

Quorum present.

On motion of Mr. Tennant, Special Order postponed temporarily.

Mr. Shimmin introduced Assembly Concurrent Resolution No. 32, relative to issue of patents for lands in the State to any railroad company.

Read, and referred to the Committee on Swamp and Overflowed Lands.

#### SPECIAL ORDER.

Assembly Bill No. 66, entitled "An Act to abolish Capital Punishment."

On motion to indefinitely postpone, the ayes and noes were called for by Messrs. Welch, Hillyer, and Mills.

Roll called, and bill indefinitely postponed:

YEAS—Messrs. Anderson, Barney, Clark, Cleveland, Coburn, Dangberg, Davis, Ford, Hillyer, Lammon, Mills, Moody, Moulton, Randall, Richardson, Shimmin, Small, Woodworth, and Mr. Speaker—19.

NAYS—Messrs. Burson, Corbett, Doolin, Hanson, Mayhugh, Potter, Scott Tennant, and Welch—9.

#### SPECIAL ORDER.

Assembly Bill No. 74, entitled "An Act to amend an Act entitled 'An Act to grant the right to construct a Toll Road from Virginia City to Truckee Meadows and Steamboat Valley, in Washoe and Storey Counties.'"

On motion of Mr. Woodworth, a call of the House was ordered.

Roll called.

Absent—Messrs. Bowman, Brown, Hanford, and Shakspeare.

On motion of Mr. Hillyer, Mr. Brown was granted leave of absence.

Messrs. Hanford and Bowman appearing at the bar of the House, were, on motion, excused.

On motion of Mr. Corbett, the further call of the House was dispensed with.

On motion, the House resolved itself into Committee of the Whole.

Mr. Speaker *pro tem.* in the chair.

For the consideration of Assembly Bill No. 74.



In time the Committee rose, reported the bill back to the House, and asked leave to sit again.

Report adopted and leave granted.

#### REPORT OF COMMITTEE ON CLAIMS.

*Mr. Speaker:*

Your Committee on Claims, to whom was recommitted Assembly Bill No. 136, "An Act to provide for the payment of the Claim of A. W. Nightingill," have had the same under consideration and report the same back without amendments, and recommend that the bill do pass.

S. C. WRIGHT,  
Chairman.

Mr. Tennant asked leave of absence for the remainder of the day.  
Leave granted.

Assembly Bill No. 136, entitled "An Act for the Relief of A. W. Nightingill." Made the Special Order for to-morrow, February 26th, at 2 o'clock P.M.

#### REPORT OF COMMITTEE ON SWAMP AND OVERFLOWED LANDS.

*Mr. Speaker:*

Your Committee on Swamp and Overflowed Lands, to which was referred Assembly Joint Resolution No. 32, relative to the issue of patents for lands in this State to any railroad companies, have amended the same, by changing the form of the enacting clause so as to conform with the adopted form, and respectfully recommend its passage.

R. H. SCOTT,  
Chairman.

Report of Committee adopted.  
Resolution read second time and placed on file.

Mr. Small, by leave, introduced Assembly Concurrent Resolution No. 33, relative to granting leave of absence to Stephen A. Kinsey, County Clerk of Douglas County, State of Nevada.

Read and passed.

#### SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 24th, 1869. }

*To the Hon. the Assembly:*

I am instructed to return to your honorable body Assembly Bill No. 148, "An Act to enable a certain class of Claimants against the State to appeal to the Courts."

Also, Assembly Bill No. 149, "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer,' approved February 7th, 1865," the above bill having this day passed the Senate without amendment.

I also am instructed to inform your honorable body that Assembly Substitute for Senate Bill No. 152, "An Act relating to the Duties of the State Con-

troller, approved February 24th, 1866," this day passed the Senate without amendment.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Mr. Speaker asked leave of absence for the remainder of the day.  
Leave granted.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker:*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Assembly Bills with the engrossed copies, as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval, viz :

Assembly Bill No. 78, "An Act to restrict Gaming."

Also, Substitute for Senate Bill No. 152, "An Act to amend an Act entitled 'An Act defining the Duties of State Controller,' approved February 26th, 1866."

Also, Assembly Bill No. 149, "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer.'"

Also, Assembly Bill No. 145, "An Act to enable a certain class of Claimants against the State to appeal to the Courts."

CHAS. D. KING,  
Chairman.

#### GENERAL FILE.

Substitute for Assembly Bill No. 92, entitled "An Act relative to Swamp and Overflowed Lands."

Ordered engrossed.

Assembly Bill No. 19, entitled "An Act to protect the Rights of Stockholders in Mines and Mining Claims."

Amendments of Committee adopted and ordered engrossed.

Assembly Bill No. 128, entitled "An Act to provide for the Issue and Sale of School Land Warrants."

Mr. Hillyer was granted leave of absence for the remainder of the day.

Bill read third time.

On motion, Mr. Woodworth was appointed a Committee of One, with instructions to strike out in Section 2, line 5, after the word "the" and before the word "arising," the word "funds," and insert the word "proceeds."

The Committee reported the bill back amended as per instructions.

Report adopted, and Committee discharged.

Roll called, and bill passed :

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Gray, Hanford, Hanson, King, Moulton, Potter, Randall Richardson, Scott, Shakspeare, Shimmin, Small, and Woodworth—24.

Substitute for Assembly Bill No. 129, entitled "An Act to provide for the selection and Sale of the School Lands donated to the State of Nevada."

On motion of Mr. Woodworth, the blank in Section 1 was filled by inserting the name of H. H. Beck.

Ordered engrossed, and the usual number of copies ordered printed.

Senate Bill No. 132, entitled "An Act to provide for the Preservation of the Manuscript Laws and other important State Papers."

Read third time and passed:

YEAS—Messrs. Bowman, Bunker, Burson, Cleveland, Corbett, Dangberg, Davis, Ford, Gray, Hanson, King, Moulton, Potter, Rule, Scott, Shakspeare, Shimmin, Small, Welch, and Woodworth—21.

Assembly Joint Resolution No. 31, relative to the Walker River Indian Reservation in Esmeralda County.

Ordered engrossed.

Assembly Bill No. 132, entitled "An Act to amend an Act entitled 'An Act for the purpose of placing the Finances of Lyon County upon a permanent Cash Basis, and to provide for the payment of the outstanding Indebtedness of the said County.'"

Ordered engrossed.

Mr. Dangberg was granted leave of absence for the remainder of the day.

Assembly Bill No 119, entitled "An Act for the relief of John A. Collins."

Made the special order for to-morrow, February 26th, at 12 m.

Senate Substitute No. 99, for Assembly Substitute Bill No. 14, entitled "An Act to prohibit the carrying of Concealed Weapons."

Mr. Woodworth moved to indefinitely postpone the bill, upon which he called for the previous question, which was sustained.

Roll called, and the bill indefinitely postponed.

YEAS—17.

NAYS—9.

Mr. Woodworth moved to adjourn.

Lost.

Mr. Corbett gave notice that he would on to-morrow move to reconsider the vote by which the bill was indefinitely postponed.

On motion of Mr. Anderson, at 10 minutes to 5 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FIFTY-FOURTH DAY.

FRIDAY, February 26th, 1869.

House met pursuant to adjournment.  
 Mr. Speaker in the chair.  
 Roll called.  
 All present, except Mr. Hanson.  
 Prayer by the Rev. Mr. Fraser.  
 Journal read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Railroads, to whom was referred Assembly Bill No. 150, entitled "An Act to authorize the several counties of this State to issue Bonds in aid of Railroad Companies," have had the same under consideration, and have directed their Chairman to report the same back, recommending that it do not pass.

J. M. WOODWORTH,  
 Chairman.

*Mr. Speaker :*

Your Judiciary Committee, to whom was referred Assembly Bill No. 143, entitled "An Act to amend an Act entitled 'An Act to Tax and regulate Foreign Insurance Companies, doing business in this State,' passed January 24th, 1865," with the recommendation that it be amended as follows:

1st. Amend title so as to read as follows: "An Act to Tax and regulate Foreign Insurance Companies doing business in this State."

2d. Amend Section 1, in line 13, by inserting after the word "attorney" the words "duly executed and delivered by said Company or Association," and recommend its passage as amended.

Also, Assembly Bill No. 126, Senate Bill No. 128, and Senate Bill No. 66; have considered the same, and recommend that they each be indefinitely postponed for the reason that their subject matter has already been incorporated into other bills, which have passed the Assembly.

Also, Senate Bill No. 128, have considered the same, and recommend that it pass without amendment.

C. J. HILLYER,  
 Chairman.

*Mr. Speaker :*

Your Standing Committee on Ways and Means, to whom was referred Assembly Bill No. 152, "An Act to amend an Act to further amend an Act entitled 'An Act to provide Revenue for the support of the government of the State of Nevada,'" have had the same under consideration, have come to a favorable conclusion, and report the same back to the House, and recommend its passage.

THOS. J. TENNANT,  
 Chairman.  
 JOHN S. MAYHUGH,  
 W. DOOLIN,  
 JAMES W. SMALL,  
 GEO. I. LAMMON,  
 S. A. MOULTON.

## MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
 Carson City, February 25th, 1869.

*To the Hon. Assembly of Nevada:*

I have this day approved Assembly Bill No. 50, "An Act to Incorporate the Town of Gold Hill."

H. G. BLASDEL,  
 Governor.

On motion of Mr. Woodworth, the resolution granting Rev. Mr. Allen the use of the Assembly Chamber on next Tuesday evening, was changed to Wednesday evening.

## RESOLUTIONS.

By Mr. Shimmin:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and directed to pay out of the Contingent Fund of the Assembly, the Clerk of Joint Committees on Education and Elections, and the Clerk of the Committees on Military and Indian Affairs, and Agriculture, their *per diem* as allowed by law.

Mr. Tennant moved the adoption of the original resolution.

Mr. Woodworth moved the previous question, which was sustained.

Upon motion to adopt the resolution, the yeas and nays were called for by Messrs. Hillyer, Randall, and Welch.

Roll called, and resolution adopted:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Doolin, Ford, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—29.

NAYS—Messrs. Davis, Gray, Hanford, Hillyer, Richardson, Scott, and Wright—7.

## SPECIAL ORDER FOR TWELVE M.

On motion, the House resolved itself into the Committee of the Whole, Mr. Burlingame in the chair, for the consideration of special order, Assembly Bill No. 119, entitled "An Act for the Relief of John A. Collins."

In time the Committee rose, reported the bill back to the House with amendments, recommending its passage as amended.

Report of Committee adopted.

Mr. Mayhugh moved to suspend the rules, and consider the bill engrossed, and place it upon its third reading and final passage.

Upon which the yeas and nays were called for by Messrs. Hillyer, Gray, and Richardson.

Roll called, and motion carried:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Lammon, Mayhugh, Moulton, Potter, Shakspeare, Shimmin, Small, Tennant, and Mr. Speaker—23.

NAYS—Messrs. Anderson, Hillyer, Mills, Moody, Richardson, Welch, and Wright—7.

Bill read third time and lost :

YEAS—Messrs. Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Lammon, Mayhugh, Potter, Shakspeare, Shimmin, Small, Tennant, and Mr. Speaker—17.

NAYS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Ford, Hanford, Hillyer, Mills, Moody, Moulton, Richardson, Scott, Waller, Welch, and Wright—16.

Mr. Brown gave notice that he would on to-morrow move to reconsider the vote by which the bill was lost.

Mr. Corbett, pursuant to notice, moved to reconsider the vote by which Senate Substitute No. 99, for Assembly Substitute Bill No. 14, entitled "An Act to Prohibit the carrying Concealed Weapons."

Mr. Corbett asked leave of absence for Mr. Hanson for one day.  
Leave granted.

Upon motion to reconsider, the previous question was called for and sustained. Upon original motion, the yeas and nays were called for by Messrs. Hillyer, Woodworth, and Burlingame.

Roll called, and motion carried :

YEAS—Messrs. Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Gray, Hanford, Hillyer, Mayhugh, Mills, Moody, Richardson, Shimmin, Small, Welch, and Mr. Speaker—17.

NAYS—Messrs. Bowman, Brown, Bunker, Clark, Cleveland, Doolin, Ford, King, Lammon, Moulton, Potter, Scott, Shakspeare, Tennant, and Woodworth—15.

Mr. Corbett moved to make the bill the special order for to-morrow, February 27th, at 12 M.

Upon which Mr. Woodworth moved the previous question, which was sustained, and motion to make the bill the special order for to-morrow lost.

Bill read third time and lost :

YEAS—Messrs. Anderson, Brown, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Gray, Hanford, Hillyer, Lammon, Mills, Richardson, Shimmin, Small, Welch, and Mr. Speaker—18.

NAYS—Messrs. Barney, Bowman, Bunker, Clark, Cleveland, Doolin, Ford, King, Mayhugh, Moody, Moulton, Potter, Scott, Shakspeare, Tennant, Waller, Woodworth, and Wright—18.

On motion of Mr. Woodworth, at 1.5 minutes P.M. the House took a recess until 2 P.M.

In session—2 P.M.  
Quorum present.

COMMUNICATION FROM THE SECRETARY OF STATE.

STATE OF NEVADA, OFFICE OF SECRETARY OF STATE, }  
Carson City, February 26th, 1869. }

*To the Legislature of Nevada, Assembly:*

GENTLEMEN—I have the honor to transmit, on appeal, the claim of A. W. Nightingill for \$1,500, the same having been rejected this day by the Board of Examiners, for reasons endorsed thereon, and annexed thereto.

Very respectfully,

C. N. NOTEWARE,  
Secretary Board Examiners.

Claim of A. W. Nightingill, as per communication of Secretary of State, read and placed on file.

SPECIAL ORDER FOR 2 P.M.

Assembly Bill No. 136, entitled "An Act to provide for the Payment of the Claim of A. W. Nightingill."

Re referred to the Committee on Claims, with instructions to report to-morrow, at 12 M.

RESOLUTIONS.

By Mr. Moulton :

*Resolved*, That hereafter no member of this Assembly shall have leave of absence, or be excused from attendance during the hours of session unless such leave of absence or excuse is granted by a two-third vote of all the members.

Adopted.

By Mr. Potter :

*Resolved*, That the Head Porter of the Assembly be and he is hereby directed to have the pipe or flue, connected with the stove in the Assembly Chamber, taken down and thoroughly cleaned before the next day's session of the Legislature.

Lost.

Mr. Doolin, by leave, introduced Assembly Concurrent Resolution No. 35, relative to mail service from Belmont, Nye County, to Shermantown, White Pine County, in this State.

Read, and placed on file.

MESSAGE FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 25th, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith transmit for your consideration Substitute for Senate Bill No. 45, "An Act to Create the County of Elko."

Also, Senate Concurrent Resolution No. 181, relative to printing, ordered by Secretary of Senate, Clerk of the Assembly, etc.

Also, Senate Concurrent Resolution No. 182, relative to granting leave of absence to D. G. Francis, Sheriff of Esmeralda County.

All of the above having this day passed the Senate.

I also return to your honorable body Assembly Concurrent Resolution No. 30, [34] relative to granting leave of absence to J. G. McClinton, County Recorder of Esmeralda County.

Also, Assembly Concurrent Resolution No. 30, relative to instructing Committees.

The above resolutions having passed the Senate this day.

I also am instructed to inform your honorable body that the Senate have this day concurred in Assembly amendments to Senate Bill No. 81, "An Act supplementary to an Act entitled 'An Act defining the Duties of the State Treasurer,' approved February 2d, 1866."

Also, Senate Bill No. 112, "An Act to amend Section 84 of an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865," approved February 24th, 1866."

Also, that the Senate refuse to concur in Assembly amendments to Senate Joint Resolution No. 23, relative to amending Sections 2 and 29 of Article 4, of the Constitution, and have appointed Messrs. Grey, Welty, and Haines a Committee of Conference to consider said amendments.

Also, that the Senate concur in all of Assembly amendments to Senate Substitute Bill No. 52, "An Act amendatory of an Act entitled 'An Act for the Maintenance and Supervision of the Public Schools, etc.,' " except the striking out of Section 22, for the consideration of which Messrs. Hall, Abraham, and Wilson have been appointed a Committee of Conference.

Respectfully,

CHAS. F. BICKNELL,  
Assistant Secretary Senate.

Mr. Speaker appointed as Committee of Free Conference on amendments to Senate Joint Resolution No. 23, Messrs. Hillyer, Bowman, and Moulton.

On Senate Bill No. 52, Messrs. Woodworth, Doolin, and Moody.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 26th, 1869. }

*To the Hon. the Assembly :*

I am instructed to herewith transmit for your consideration Senate Substitute Bill No. 64, "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada entitled 'An Act to create Counties and establish the Boundaries thereof, approved November 25th, 1861,' " the same having this day passed the Senate.

I am also instructed to transmit the following Senate Bills which have this day passed the Senate, to wit :

Senate Bill No. 107, entitled "An Act to grant the Right of Way to certain Persons for a Railroad Tract through the Streets of Hamilton and Treasure City."

Passed by the following vote :

YEAS—16.

NAYS—0.

Also, Senate Bill No. 151, entitled "An Act to grant the Right of Way through the Streets of certain Towns in the County of Lander (as at present bounded) to certain Persons for laying down the Track of a Railroad."

Passed by the following vote :

YEAS—15.

NAYS—1.



Also, Senate Bill No. 155, entitled "An Act to authorize certain Parties to Supply the Town of Hamilton, Treasure City, White Pine City, and Vicinities with Water."

Passed by the following vote :

YEAS—13.

NAYS—3.

Also, Senate Bill No. 164, entitled "An Act concerning Conveyances of Mining Locations and Claims by Minors," passed by the following vote :

YEAS—14.

NAYS—4.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Substitute for Senate Bill No. 45, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Lander County delegation.

Senate Concurrent Resolution No. 181, as per message.

Read, and adopted unanimously.

Senate Concurrent Resolution No. 182, as per message.

Adopted unanimously.

Senate Substitute No. 64, as per message.

Read first time ; rules suspended ; read second time by title.

Mr. Woodworth moved that the rules be further suspended, the bill read third time, and passed.

The previous question was called for and sustained, and motion carried.

Bill read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Clark, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Richardson, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—27.

NAYS—Messrs. Bunker, Burson, Burlingame, Dangberg, Moulton, Scott, and Shimmin—7.

Senate Bill No. 107, as per message.

Read first time ; rules suspended ; read second time by title, and referred to the Lander County delegation.

Senate Bill No. 151, as per message.

Read first time ; rules suspended ; read second time by title, and referred to Lander County delegation.

Senate Bill No. 155, as per message.

Read first time ; rules suspended ; read second time by title, and referred to Lander County delegation.

Senate Bill No. 164, as per message.

Read first time; rules suspended; read second time by title; rules further suspended; read third time and passed:

YEAS—Messrs. Anderson, Barney, Brown, Burson, Burlingame, Clark, Cleveland, Davis, Doolin, Ford, Gray, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Richardson, Shakspeare, Waller, Welch, Woodworth, and Wright—24.

NAYS—Messrs. Bowman, Bunker, Coburn, Corbett, Dangberg, Hanford, Potter, Scott, Shimmin, Small, Tennant, and Mr. Speaker—12.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker:*

Your Committee on Engrossment beg leave to report that they have carefully read and compared the following named bills, and have found the same correctly engrossed, namely:

Assembly Bill No. 122, entitled "An Act to amend an Act entitled 'An Act for the purpose of Placing the Finances of Lyon County on a Permanent Cash Basis.'"

Also, Substitute Assembly Bill No. 92, entitled "An Act in relation to Swamp and Overflowed Lands."

JNO. S. MAYHUGH,  
Chairman.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 26th, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith transmit to your honorable body, for your consideration, Senate Bill No. 165, "An Act for the Relief of James S. Slingerland," the same having this day passed the Senate.

Respectfully,  
CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Senate Bill No. 165, as per message.

Read first time; rules suspended; read second time by title, and referred to a Select Committee of one from each county.

Mr. Corbett, by leave, introduced Assembly Bill No. 154, entitled "An Act to Legalize the Last Will and Testament of Henry Sticknuth."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Bowman, by leave, introduced Assembly Bill No. 155, entitled "An Act supplementary to an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada, approved March 9th, 1865,' and other Acts amendatory and supplementary thereof, approved March 12th, 1867."

Read first time; rules suspended; read second time by title, and referred to Judiciary Committee.

Mr. Anderson moved that Assembly Bill No. 74 be ordered engrossed.

Upon which the ayes and noes were called for by Messrs. King, Hillyer, and Gray.

Mr. Burlingame moved the previous question, which was sustained.  
Roll called, and bill ordered engrossed:

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Cleveland, Corburn, Davis, Ford, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Scott, Shakspeare, Shimmin, Small, Tennant, and Welch—21.

NAYS—Messrs. Barney, Burlingame, Clark, Corbett, Dangberg, Doolin, Gray, Hanford, Hillyer, King, Richardson, Waller, Wright, and Mr. Speaker—14.

SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 26th, 1869. }

*To the Hon. the Assembly :*

I am instructed to herewith return to your honorable body Assembly Bill No. 124, "An Act to amend an Act entitled 'An Act to create the office of State Printer, define the Duties and Compensation thereof, and provide for the Time and Manner of Election,' approved January 10th, 1865."

Also, Assembly Concurrent Resolution No. 33, relative to granting leave of absence to S. A. Kinney, [Kinsey] County Clerk of Douglas County.

All of the above having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Mr. Speaker *pro tem.* announced as Select Committee on Senate Bill No. 165 : Messrs. Moulton, Woodworth, Tennant, King, Randall, Clark, Shimmin, Small, Welch, Bowman, Wright.

Mr. Moulton, by leave, introduced Assembly Bill No. 160, entitled "An Act to amend an Act to regulate Fees and Compensation for official and other services in the State of Nevada."

Read first time; rules suspended; read second time by title, and referred to the Committee on Ways and Means.

Mr. Lammon, pursuant to notice, introduced Assembly Bill No. 162, entitled "An Act to Fund the debt of Virginia City."

Read first time; rules suspended; read second time by title, and referred to the Virginia City portion of Storey County delegation.

Mr. Woodworth, by leave, introduced Assembly Bill No. 164, entitled "An Act to amend an Act entitled 'An Act to amend Section 1 of an Act to amend an Act passed by the Legislative Assembly of the Territory of Nevada, entitled 'An Act to provide for the Appointment of Notaries and defining their Duties, approved February 9th, 1864,' approved March 20th, 1865,' approved February 9th, 1866.'"

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Welch, by leave, introduced Assembly Bill No. 161, entitled "An Act to amend an Act entitled 'An Act to amend Section 58 of an Act entitled "An Act to provide Revenue for the support of the government of the State of Nevada," approved March 9th, 1865,' approved March 12th, 1867.'"

Read first time; rules suspended; read second time by title, and referred to Committee on Ways and Means.

Mr. Lammon, by leave, introduced Assembly Bill No. 163, entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Virginia and provide for the government thereof, and repeal all other laws in relation thereto.'"

Read first time; rules suspended; read second time by title, and referred to the Storey County delegation.

#### GENERAL FILE.

Substitute for Assembly Bill No. 92, entitled "An Act in relation to Swamp and Overflowed Lands."

Read third time and passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—31.

NAYS—Mr. Tennant—1.

Assembly Bill No. 122, entitled "An Act to amend an Act entitled 'An Act for the purpose of placing the Finances of Lyon County upon a permanent Cash Basis, and to provide for the payment of the outstanding Indebtedness of the said County,' approved February 4th, 1869."

Read third time and lost:

YEAS—Messrs. Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Doolin, Gray, Hanford, Hillyer, Mayhugh, Potter, Richardson, Tennant, Welch, Woodworth, and Mr. Speaker—17.

NAYS—Messrs. Barney, Clark, Coburn, Corbett, Davis, Ford, King, Lammon, Scott, Shakspeare, Shimmin, Small, Waller, and Wright—14.

Mr. Waller asked leave of absence for Mr. Randall for the remainder of the day.

Leave granted.

Assembly Bill No. 152, entitled "An Act to amend an Act entitled 'An Act to further amend an Act entitled "An Act to provide Revenue for the support of the government of the State of Nevada," approved March 1st, 1866.'"

Rules suspended; considered engrossed; read third time and passed:

YEAS—Messrs. Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Scott, Shakspeare, Shimmin Small, Tennant, Waller, Welch, and Mr. Speaker—29.

NAYS—Messrs. Clark, Woodworth, and Wright—3.

#### SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 26th, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith return to your honorable body Assembly Substitute No. 151, for Assembly Bills Nos. 16 and 3, "An Act to redistrict the State of Nevada," the same having this day passed the Senate without amendment.

Also, Assembly Bill No. 38, "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies and the Management of the Affairs thereof, and other matters relating thereto,' approved March 22d, 1865," with the following amendments:

In Section 3, line ten, after the word "road" and before the word "and," insert "at a rate of interest not to exceed fifteen per centum per annum."

Also, in Section 5, line eighteen, strike out the word "terminus" and insert "termini," the same having this day passed the Senate as amended.

Respectfully,

CHAS. F. BICKNELL,

Ass't Sec'y Senate.

On motion, amendments of Senate to Assembly Bill No. 38, as per message, concurred in.

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Clark, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Tennant, Woodworth, and Mr. Speaker—22.

NAYS—Messrs. Cleveland, Dangberg, Hanford, Scott, Shimmin, Small, Waller, and Welch—8.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker:*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Assembly Bill, viz:

Assembly Bill No. 124, "An Act to amend an Act entitled 'An Act to create the office of State Printer, define the Duties and Compensation, and provide for the Time and Manner of Election,' approved January 10th, 1865," with the engrossed copy as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

CHAS. D. KING,

Chairman.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 26th, 1869. }

*To the Hon. the Assembly:*

I herewith transmit to your honorable body Senate Bill No. 168, "An Act to create the office of State Mineralogist, and define the Duties of such office," the same having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,

Ass't Sec'y Senate.

On motion of Mr. Doolin, Mr. Mills was granted leave of absence for the remainder of the day.

On motion of Mr. Potter, at 4:34 P.M. the House adjourned.

Approved,

D. O. ADKISON,

Speaker.

Attest—A. WHITFORD,

Clerk.

## FIFTY-FIFTH DAY.

SATURDAY, February 27th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Hammond.

Journal read and approved.

## COMMUNICATION FROM WASHINGTON BY TELEGRAPH.

WASHINGTON, February 26th, 1869.      }

Received at Carson, February 27th, 1869—8 A.M.      }

To *Hon. J. S. Slingerland, President Senate, and D. O. Adkison, Speaker of the House :*

The following amendment to the Constitution has just passed finally :

*Resolved*, by the Senate and House of Representatives of the U. S. of America, in Congress assembled, two-thirds of both Houses concurring, That the following Article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely :

## ARTICLE 15.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of *Race, Color,* or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this Article by appropriate Legislation.

A true copy of proposed amendment as adopted by both Houses,

GEO. C. GORHAM,  
Sec'y U. S. Senate.

You can act on this telegram. We hope Nevada will be the first to ratify this great measure of Peace and Justice.

W. M. STEWART,  
JAS. W. NYE,  
DELOS R. ASHLEY, and  
THOS. FITCH.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared the following named bills, and found the same correctly engrossed, to wit :

Assembly Bill No. 107, entitled "An Act to amend an Act entitled 'An Act for Running and Rafting Timber and Wood on the Rivers in the State of Nevada.' "

Also, Assembly Bill No. 144, entitled "An Act to amend an Act entitled 'An Act in relation to Public Highways.' "

Also, Assembly Joint Resolution No. 31, in relation [to] the Walker River Indian Reservation in Esmeralda County.

Also, Substitute for Assembly Bill No. 129, entitled "An Act to provide for the Selection and Sale of the School Lands donated to this State."

Also, Assembly Bill No. 120, entitled "An Act to Incorporate the Town of Hamilton."

Also, Assembly Bill No. 53, entitled "An Act to Incorporate Treasure City."

Also, Substitute Bill No. 2, entitled "An Act to define the Boundary Line between the County of Nye and the Counties of Churchill and Esmeralda."

JOHN S. MAYHUGH,  
Chairman.

Senate Bill No. 105, reported from Committee on Counties and County Boundaries, and its passage recommended.

#### REPORT OF SPECIAL COMMITTEE.

*Mr. Speaker :*

Your Special Committee of one from each County, to whom was referred Senate Bill No. 165, entitled "An Act for the Relief of James S. Slingerland, Warden of the State Prison," have had the same under consideration in connection with statement of Mr. Slingerland, and have directed their Chairman to report the bill back to the House without recommendation. Mr. Slingerland appeared before your Committee, and stated his losses to have been as following, to wit :

Currency.....	\$1,500 00
Coin.....	100 00
Wardrobe.....	1,200 00
Notes and accounts.....	1,000 00
Furniture.....	200 00
Total.....	<hr/> \$4,000 00

All of which is respectfully submitted,

S. A. MOULTON,  
Chairman.

Mr. Woodworth moved that Senate Bill No. 165, and Assembly Bill No. 136, be made the Special Order for Monday, March 1st, at 12 m.

Carried.

#### RESOLUTION.

By Mr. Woodworth :

*Resolved,* That the Judiciary Committee be instructed to draw a bill or bills, making an appropriation to pay the claims of A. W. Nightingill and J. S. Slingerland, and report the same to this House on Monday next.

Adopted.

## REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Concurrent Resolution with the engrossed copy as passed by the two Houses, and found the same correctly enrolled, and have filed the same with the Secretary of State, viz :

Assembly Concurrent Resolution No. 34, relating to granting leave of absence to J. C. McClinton, County Recorder of Esmeralda County.

Also, Assembly Concurrent Resolution No. 30, relating to instructing Committees.

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

Your Select Committee on Claims against the last Legislature, respectfully report, recommending the adoption of the following resolution, viz :

*Resolved,* That the piece of scrip issued to James C. Wheelhouse for sixty dollars, for services as Clerk of the Committee to investigate certain charges of fraud perpetrated during the election for U. S. Senator in 1867, be, and the same is hereby, rejected for the reason that said Clerk, Wheelhouse, absconded before the close of the session with all the testimony and papers belonging to said Committee.

J. A. BURLINGAME,  
Chairman.

Adopted.

*Mr. Speaker :*

Your Select Committee on Claims against the last Legislature, respectfully report that they have had the following claims under consideration, and come to the conclusion in relation thereto, as hereinafter stated :

That the claims, as shown by the Sergeant-at-Arms' scrip of 1867, of W. F. Markley, for services as Page ; of Geo. Ross, for services as Page, and of B. F. Bartlett, for services as Page, as shown by his affidavit of loss, and probable destruction of the scrip issued to him, each for the sum of one hundred and twenty dollars, (\$120) are just and equitable claims against the Contingent Fund of the Assembly ; and, therefore, your Committee recommend the passage of the following resolution, viz :

*Resolved,* That the Sergeant-at-Arms of the Assembly be, and he is hereby, directed to pay out of the Assembly Contingent Fund the sum of one hundred and twenty (\$120) dollars each, to Geo. Ross, W. F. Markley, and B. F. Bartlett, or their assignees, on the surrender to him of the said scrip of 1867, as issued by the Sergeant-at-Arms of 1867, aforesaid, and the affidavit of loss of said scrip by said B. F. Bartlett.

J. A. BURLINGAME,  
Chairman.

Motion to adopt lost.

*Mr. Speaker :*

Your Select Committee, to whom was referred Senate Bill No. 5, "An Act for the Relief of J. M. Woodworth," have had the same under consideration, and beg leave to report the same back to the House, with the recommendation that it do not pass.

R. H. SCOTT.



*Mr. Speaker :*

Your Select Committee, consisting of a portion of the Humboldt delegation, to whom was referred Senate Bill No. 5, have had the same under consideration, and report the same back without recommendation.

T. W. RULE.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared the following named bill, and found the same correctly engrossed, to wit :

Assembly Bill No. 74, entitled "An Act to amend an Act entitled 'An Act to grant the right to Construct a Toll Road from Virginia City to Truckee Meadows and Steamboat Valley, in Washoe and Storey Counties.'"

Respectfully submitted,

JNO. S. MAYHUGH,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Ways and Means, to which was referred Assembly Bill No. 161, "An Act to amend an Act entitled 'An Act to amend Section 58 of an Act to provide Revenue for the Support of the Government of the State of Nevada, approved March 9th, 1865,' approved March 12th, 1867," respectfully report the same back and recommend its passage.

THOS. J. TENNANT,  
J. S. MAYHUGH,  
JAS. W. SMALL,  
W. DOOLIN,  
S. A. MOULTON.

#### RESOLUTIONS.

By Mr. Ford.

*Resolved,* That the Sergeant-at-Arms be, and he is hereby, authorized and directed to pay out of the Contingent Fund of the Assembly, the sum of one hundred and twenty dollars, to Porter of the Assembly, for services as night watchman.

Laid on the table temporarily.

By Mr. Mayhugh :

*Resolved,* That the Sergeant-at-Arms be, and he is hereby, directed to issue his skeleton scrip to Wm. M. Gillespie, for the *per diem* allowed him by law for each day of the present session.

Upon motion to adopt the resolution, the ayes and noes were called for by Messrs. Mayhugh, Bowman, and Hillyer.

Roll called, and resolution lost :

YEAS—MESSRS. Brown, Burlingame, Mayhugh, Mills, Moody, Potter, Randall, Rule, Shakspeare, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—15.

NAYS—MESSRS. Anderson, Bowman, Bunker, Burson, Clark, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Moulton, Richardson, Scott, Shimmin, and Small—19.

*Mr. Speaker :*

Your Committee on Claims, to whom was re-referred Assembly Bill No. 136, entitled "An Act to provide for the Payment of the Claim of A. W. Nightingill," beg leave to report as follows :

That Mr. Chapin, Chairman of the Committee on Seals in the Constitutional Convention, requested Mr. Nightingill to get up design for the State seal, which was adopted. In the second Convention, Mr. Chapin was also Chairman of the Committee on Seals, and Mr. Nightingill's design was adopted. The seal for the Judges of the Supreme Court was ordered by one of said Judges. Mr. N. being State Controller, the law required said officer to get up the design for the State Revenue stamps, also his own stamp for the use of his office. These are the facts in the case as far as we can learn. We therefore report the same back without any recommendation.

S. C. WRIGHT,  
A. K. POTTER,  
JOHN WELCH.

Mr. Brown, pursuant to notice, moved to reconsider the vote by which on yesterday Assembly Bill No. 119, entitled "An Act for the Relief of John A. Collins," was lost.

Upon which the ayes and noes were called for, by Messrs. Brown, Mayhugh, and Potter.

On motion of Mr. Doolin, a call of the House was ordered.

Roll called—absent Messrs. Cleveland, Corbett, Moody, and Tennant.

Messrs. Moody and Tennant appearing at the bar of the House, were admitted and excused.

On motion, the further call of the House was dispensed with.

Roll called on the motion to reconsider, and the vote reconsidered.

YEAS—Messrs. Brown, Bunker, Burson, Burlingame, Clark, Coburn, Dangberg, Davis, Doolin, Ford, Gray, King, Lammon, Mayhugh, Mills, Moody, Potter, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Mr. Speaker—26.

NAYS—Messrs. Anderson, Barney, Bowman, Hanford, Hanson, Hillyer, Moulton, Randall, Richardson, Welch, and Wright—11.

The question recurring upon the passage of the bill.

Roll called and bill passed :

YEAS—Messrs. Brown, Bunker, Burson, Burlingame, Clark, Coburn, Dangberg, Davis, Doolin, Ford, Gray, King, Lammon, Mayhugh, Mills, Moody, Potter, Rule, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Mr. Speaker—25.

NAYS—Messrs. Anderson, Barney, Bowman, Hanford, Hanson, Hillyer, Moulton, Randall, Richardson, Scott, Welch, and Wright—12.

On motion of Mr. Mayhugh, at 12.23 P.M. the House took a recess for one hour.

In session—1.23 P.M.

Mr. Speaker *pro tem.* in the chair.

Mr. Doolin moved a call of the House.

Lost.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee, composed of the Lander delegation, to whom was referred Senate Bill No 155, "An Act to authorize certain parties to Supply the Town of Hamilton, Treasure City, White Pine City and vicinity with Water," have had the same under consideration, have come to a favorable conclusion, and report the same back, and recommend its passage with the following amendments :

Amend Section 3, by striking out "County Commissioners," and inserting "Corporate authorities of the towns or cities through which such water pipes are laid, and in which water is sold." Also, add to Section 3, "during the period of five years next after the passage of this Act."

THOS. J. TENNANT,  
ROB'T J. MOODY,  
G. D. COBURN,  
GEO. F. MILLS.

*Mr. Speaker :*

Your Select Committee, composed of the Lander County delegation, to whom was referred Senate Bills Nos. 107 and 151, in relation to Street Railroads in the Towns of Hamilton and Treasure City, have had the same under consideration, have come to a favorable conclusion thereon, and report the same to the House, and recommend that they do pass.

THOS. J. TENNANT,  
ROB'T. J. MOODY,  
GEO. D. COBURN,  
GEO. F. MILLS.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that we have carefully compared the following Assembly Bills with the engrossed copies, as passed by the two Houses, and found the same correctly enrolled, and that we did upon yesterday present the same to the Governor for his approval, viz :

Assembly Bill No. 38, "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies, and the Management of the Affairs thereof, and other matters relating thereto,' approved March 22d, 1865."

Also, Substitute for Assembly Bills 16 and 3, "An Act to re-district the State of Nevada."

CHAS. D. KING,  
Chairman.

Resolution by Mr. Woodworth :

*Resolved*, That on and after Tuesday, March 2d, 1869, the regular hour of meeting of this House shall be at 10 o'clock A.M.

Laid over one day under the rules.

## SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, February 26th, 1869. }

*To the Honorable the Assembly :*

I am instructed to herewith transmit for your consideration the following Senate Bill No. 14, "An Act to provide for the Selection, Sale, and Reclamation of the Swamp and Overflowed Lands belonging to this State."

Also, No. 140, "An Act to regulate the business of Assaying within the State of Nevada."

Also, Substitute for Senate Bill No. 121, "An Act to provide for the Survey of the Eastern Boundary Line of the State of Nevada."

Also, Senate Concurrent Resolution No. 193, relative to stationing more U. S. troops at Camp McDermot.

All of the above having this day passed the Senate.

I also return to your honorable body the following Assembly bills, the same having this day passed the Senate without amendments.

Assembly Bill No. 96, "An Act to amend 'An Act to provide a Fund for the Payment of the Salaries of the District Judges of this State, and to regulate the disposition of the same,' approved March 1, 1866."

Also, Assembly Bill No. 76, "An Act to amend an Act entitled 'An Act in relation to Fines.'"

I also return Assembly Bill No. 110, "An Act for the Relief of Jonathan Williams."

Also, Assembly Bill No. 87, "An Act to authorize the Board of Examiners to allow certain Claims against the State."

Both of the above bills having this day been rejected by the Senate.

I also return Assembly Bill No. 110, [111] "An Act to provide for the Care of the Insane of the State of Nevada, and to create a Fund for that purpose," with the following amendments :

In Section 2, second page, third and fourth lines, strike out the words "graduate in medicine," and insert in lieu thereof the words "practicing physicians," the same having passed the Senate this day as amended.

Also, Assembly Bill No. 77, "An Act to provide for the Education of the Deaf and Dumb and the Blind of the State of Nevada, with the following amendments :

1st. Strike out all of the preamble.

2d. In Section 1, first line, strike out the words "State Controller" and insert "Superintendent of Public Instruction."

In Section 2, after the word "deaf," in second line, "insert "dumb;" also, in fourth line, after the word "deafness" insert "dumbness."

Also, 3d. In same section, second page, third line, insert "or guardian," after the word "parents." Also, in fifth line, same page and section, after the word "institution," insert as follows : "and file the same with the Board of County Commissioners of the proper county, and such Board shall be satisfied of the truth thereof, and such Board shall have made application to the Superintendent of Public Instruction for that purpose."

4th. In Section 4, third page, first line, strike out the word "the" and insert the word "their." Also, same section and page, third line, strike out the word "are" and insert the words "shall be." Also, add to the end of same section, in continuation thereof, the following : "and it is hereby made the duty of the Board of County Commissioners of such county to make provisions, at the expense of the county, for carrying such pupils to the office of the Superintendent

of Public Instruction, who shall make necessary arrangements for carrying the pupils to the institution of instruction before mentioned, at the expense of the State, payable out of the fund provided by this Act," the same having this day passed the Senate as amended.

Also, Substitute for Assembly Bill No. 112, "An Act changing the Salary of the County Treasurer of Nye County," with the following amendments:

1st. In Section 1, third line, before the words "the Treasurer," insert the words "Section 1."

2d. In Section 1, sixteenth line, strike out the words "eight hundred" and insert in lieu thereof the words "one thousand."

The same having passed the Senate this day as amended.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Senate Bill No. 168, entitled "An Act to create the Office of State Mineralogist, and define the duties of such officer."

Read first time; rules suspended; read second time by title; rules further suspended.

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burlingame, Clark, Cleveland, Coburn, Corbett, Doolin, Ford, Gray, Hanford, Lammon, Mayhugh, Moody, Potter, Randall, Rule, Shakspeare, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—26.

NAYS—Messrs. Dangberg, Hanson, King, Moulton, Scott, and Small—6.

Mr. Doolin moved to suspend the rules, to reconsider the vote by which the bill passed.

Carried.

And vote reconsidered:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Moody, Moulton, Randall, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—34.

On motion, the bill was referred to a Special Committee of One, consisting of Mr. Hillyer, with instructions to strike out the words "first of January, 1869," in Section 13, and insert in lieu thereof the words "on and after its passage."

The Committee reported the bill back to the House, amended as per instructions.

Report adopted and Committee discharged.

Roll called, and bill passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—36.

NAYS—Mr. Small—1.

## REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have found Assembly Bill No. 142, entitled "An Act to incorporate Shermantown, Lander County," correctly engrossed.

J. S. MAYHUGH,  
Chairman.

Senate Bill No. 140, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Substitute for Senate Bill No. 121, as per message:

Read first time; rules suspended; read second time by title, and referred to the Lander, White Pine, and Lincoln delegations.

Senate Bill No. 14, as per message.

Read first time; rules suspended; read second time by title, and referred to the Committee on Swamp and Overflowed Lands.

Senate Concurrent Resolution No. 193, as per message.

Read, and referred to the Humboldt delegation.

The House refused to concur in Senate amendments to Assembly Bill No. 111.

Messrs. Doolin, Welch, and Woodworth were appointed a Committee of Conference thereon.

Senate amendments to Assembly Bill No. 77, as per Senate Message, concurred in by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Corbett, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Moulton, Randall, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—31.

NAYS—Mr. Mills—1.

First amendment, as per Senate Message, to substitute for Assembly Bill No. 112 concurred in by the following vote:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Randall, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—31.

NAYS—Mr. Davis—1.

Second amendment, as per Senate Message.

Non-concurred in, by the following vote:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Doolin, Ford, Hanford, Hanson,

Hillyer, Lammon, Mayhugh, Mills, Moody, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—32.

NAYS—Mr. Davis—1.

On motion, Messrs. Woodworth, Cleveland, and Tennant were appointed a Committee of Conference thereon.

Mr. Woodworth, by leave, introduced Assembly Bill No. 169, entitled "An Act to further prescribe the Duties of the State Mineralogist."

Read first time; rules suspended; read second time by title, and referred to the Committee on Ways and Means.

Mr. Woodworth, by leave, introduced Assembly Bill No. 170, entitled "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled 'An Act for the Encouragement of Mining,' approved February 24th, 1864."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, February 27th, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith transmit, for the consideration of your honorable body, Senate Concurrent Resolution No. 197, amending Section 1 of Article II of the State Constitution, the same having this day been passed by the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Secretary Senate.

Senate Concurrent Resolution No. 197, as per message, read.

Mr. Hillyer moved the adoption of the Resolution.

On motion of Mr. Doolin, a call of the House was ordered.

Roll called.

Absent—Messrs. Corbett, Randall, and Small.

Messrs. Corbett and Randall appeared at the bar of the House, were admitted and excused.

On motion of Mr. Hillyer, the further call of the House was dispensed with.

Upon motion to adopt the Senate Resolution, the previous question was called for and sustained.

Roll called, and Resolution adopted:

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Dangberg, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Lammon, Mayhugh, Potter, Richardson, Scott, Shakspeare, Shimmin, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—26.

NAYS—Messrs. Bowman, Clark, Cleveland, Coburn, Corbett, Hanford, Mills, Moody, Moulton, Randall, Rule, Small, and Waller—13.

Mr. Mayhugh gave notice, that he would on to-morrow move to reconsider the vote by which the Resolution was adopted.

Resolution by Mr. Bowman :

*Resolved*, That a Committee of three be appointed on the part of the Assembly with instruction to confer with members of the Senate and request them not to talk so loud in debate.

Lost.

#### REPORT OF JUDICIARY COMMITTEE.

*Mr. Speaker :*

Your Committee on Judiciary to whom was referred Assembly Bill No. 154, entitled "An Act to legalize the last will and testament of Henry Sticknoth."

Also, Assembly Bill No. 164, entitled, "An Act to amend an Act entitled 'An Act to amend an Act to amend Section 1 of an Act relative to the appointment of Notaries Public,' " report the same back to the House with certain amendments, and recommend their passage as amended.

Also, Senate Bill No. 115, entitled "An Act to provide for the Registration of the Names of Electors, and to Prevent Fraud at Elections," report the same back to the House with certain amendments thereto, recommending its passage as amended.

C. J. HILLYER,  
Chairman.

#### REPORTS OF SELECT COMMITTEES.

*Mr. Speaker :*

Your Select Committee, composed of the Lander, White Pine, and Lincoln County delegations, to whom was referred Senate Bill No. 121, "An Act to provide for the Survey of the Eastern Boundary Line of the State of Nevada," have had the same under consideration, have come to a favorable conclusion thereon, and report the same back to the House with the recommendation that it do pass.

THOS. J. TENNANT,  
GEO. F. MILLS,  
GEO. D. COBURN,  
ROBT. J. MOODY,  
F. W. RANDALL.

Senate Bill No. 121, recommitted to the Lander, Nye, and Lincoln delegations.

*Mr. Speaker :*

The following named members of the Lander delegation, to whom was referred Senate Bill No. 45, "An Act to Create the County of Elko, and provide for the Organization thereof," have had the same under consideration, and report it back to the House, and recommend its passage with the following amendments :

In Section 9, line 3, strike out the words "fifteen thousand" and insert in lieu thereof the words "twenty thousand;" also, strike out in Section 9 all between the word "for," in line 26, and the word "if," in line 37.

THOS. J. TENNANT,  
ROBT. J. MOODY,  
GEO. F. MILLS.



## MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
 Carson City, February 27th, 1869. }

*To the Hon. Assembly of Nevada :*

I have this day approved the following Assembly Bills :

No. 124, "An Act to amend an Act entitled 'An Act to Create the Office of State Printer, define the Duties and Compensation thereof, and provide for the Time and Manner of Election,' approved January 10th, 1865."

No. 38, "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies, and the Management of the Affairs thereof, and other matters relating thereto,' approved March 22d, 1865."

Consolidated Nos. 16 and 3, "An Act to re-district the State of Nevada."

H. G. BLASDEL,  
 Governor.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
 Carson City, February, 27th, 1869. }

*To the Hon. Assembly of Nevada :*

I have this day approved Assembly Bill No. 13, "An Act to amend an Act entitled 'An Act to Create a Board of County Commissioners in the several Counties of this State, and to define their Duties and Powers,' approved March 8th, 1865."

H. G. BLASDEL.  
 Governor.

## GENERAL FILE.

Assembly Bill No. 142, "An Act to Incorporate Shermantown, in Lander County."

Read third time.

Mr. Mills moved that the bill be referred to a Special Committee of one, with instructions to strike out in Section 14, all relating to the regulation and prohibition of Gaming and Gambling Houses, and Houses of Ill-fame.

Carried.

The Committee reported the bill back, amended as per instructions.

Report adopted, and Committee discharged.

Roll called, and bill passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—34.

NAYS—Mr. Moulton—1.

Assembly Bill No. 74, entitled "An Act to amend an Act entitled 'An Act to grant the right to construct a Toll Road from Virginia City to Truckee Meadows and Steamboat Valley, in Storey and Washoe Counties.'"

Read third time.

Mr. Cleveland moved to refer the bill to a Special Committee of one with instructions to strike out the original rates of toll in the bill, and insert the following rates :

Harness animals.....	15 cts. each.
Wagon.....	50 cts. each.
Buggy and 2 horses.....	75 cts. each.
Buggy and 1 horse.....	50 cts. each.
Pack animals.....	12½ cts. each.
Loose stock.....	10 cts. each.
Back actions.....	25 cts. each.
Man and horse.....	25 cts. each.

Return wood and lumber teams shall pay nothing for back actions.

The previous question was called for and sustained.

Upon the motion to refer, the ayes and noes were called for by Messrs. Hillyer, Cleveland, and Anderson.

Roll called, and motion lost :

YEAS—Messrs. Bunker, Burlingame, Clark, Cleveland, Corbett, Davis, Doolin, Gray, Hanford, Hillyer, Scott, Shimmin, Waller, Wright, and Mr. Speaker.—15.

NAYS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Coburn, Dangberg, Ford, Hanson, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Shakspeare, Small, Tennant, Welch, and Woodworth—24.

Roll called, and bill passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Coburn, Dangberg, Davis, Ford, Hanson, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, and Mr. Welch—26.

NAYS—Messrs. Burlingame, Clark, Cleveland, Corbett, Doolin, Gray, Hanford, Hillyer, Waller, Woodworth, Wright, and Mr. Speaker—12.

Mr. Bowman introduced a resolution, relative to the introduction of new matter, and subsequently withdrew it.

Mr. Doolin, by leave, introduced Assembly Joint Resolution No. 38, relative to amendment to the Constitution of the United States.

Read, and pending motion to adopt, on motion of Mr. Speaker, a call of the House was ordered.

Roll called.

Absent—Mr. Anderson.

Mr. Anderson appearing at the bar of the House, was admitted without excuse.

On motion of Mr. King, the further call of the House was dispensed with.

Mr. Corbett moved that the resolution be made the special order for Monday evening, March 1st, at 7 o'clock.

Carried.

On motion of Mr. Hillyer, at 4:15 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker

Attest—A. WHITFORD,  
Clerk.

## FIFTY-SEVENTH DAY.

MONDAY, March 1st, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Fraser.

Journal read and approved.

On motion of Mr. Hillyer, the resolution in relation to amendments to the Constitution of the State of Nevada as passed by the Assembly February 25th and 27th were entered in the journal as follows :

Proposal to amend the Constitution No. 14.

The Assembly, the Senate concurring, propose the following amendment :

Section 1 of Article II of the Constitution of the State of Nevada is amended by striking therefrom the word "male" wherever it occurs therein.

Senate Concurrent Resolution No. 197.

Proposal to amend the Constitution of the State.

The Senate, the Assembly concurring, hereby propose that Section 1 of Article II of the Constitution of the State of Nevada be amended by striking therefrom the word "white" wherever it occurs therein.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Railroads, to whom was referred Assembly Bill No. 127, relating to the Nevada Railroad Company, introduced by Mr. Potter of Storey County, have examined the matter, and beg leave to submit the following report :

That in the Act of Congress, entitled "An Act to aid in the Construction of a Railroad and Telegraph Line, from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for Postal, Military, and other purposes, approved July 1st, 1862," complete and thorough legislation is assumed by Congress in granting subsidies, establishing rights and privileges, imposing restrictions and limitations, loaning the bonds of the government in aid of the Railroad Companies, and securing their payment with interest by mortgage upon the property and road belonging to the company, and to work a forfeiture to the government of all the property belonging to the company if these bonds with interest are not paid within thirty years, granting the right of way through the Territories, reserving the right under certain conditions to reduce the rates of passage and transportation, and establish the same by law, and also having the power to add to, alter, amend, or repeal this Act inevitably, lead your Committee to the conclusion that our State Legislature has no legal right to pass any law that will conflict with the law of Congress, and the Railroad Company being a corporate body, deriving its authority from Congress, is amenable only to the rules and regulations established by congressional enactment for its government.

The railroad described in law to which this bill is supplementary, is known as the Central Pacific Railroad, and being built under the provisions of this Act of Congress, passed while this State was a Territory. This Act of Congress under which that company has acted, provides that whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered for the United States, after deducting all expenditures, including repairs and the furnishing, running and managing of said road, shall exceed ten per centum upon its cost, (exclusive of the five per centum to be paid to the United States) Congress may reduce the rates of fare thereon, and may fix and establish the same by law (as provided in Section 18 of said Act).

We think it clear that Congress alone has the right to regulate the rates of this railroad. That power is expressly retained under the law, and any attempt at interference on the part of the Legislature of this State would be futile. Congress was providing for a great national work for postal, military, and other purposes of a national character, and retained the right to control it. It is evident that Congress intended not to interfere with the rates collected by the company, until the net earnings of the several roads should exceed ten per cent. upon their cost.

This provision was evidently thus worded in order to induce private capitalists to invest their money in the enterprise by assuring them that the rates should not be interfered with until their earnings should exceed that limit.

Under this assurance in the law, capitalists have invested their means, and the work has been pushed with an energy unparalleled in history.

For Congress, or the Legislature, if it had the power, to interfere, under these circumstances and cut down the rates before any dividends at all have been declared, and before the stockholders have realized a cent upon their investment, would be an act of bad faith which we cannot recommend.

Those who have invested their means in this great work, assuming all the risks and uncertainties of its being profitable, are certainly entitled to a fair return upon their investment, and the ten per cent. fixed by Congress cannot be regarded as unreasonable.

What the per centum of net earnings amount to, or what they will be when the roads are completed, is not known, but we have no doubt that Congress will in due time make the proper inquiry and take the proper action.

The propriety of legislative interference with railroad charges is very questionable. We would hardly consent to entertain a bill to regulate the price of bread, clothing, or labor, or even the rates of transportation by stages or teams; what greater reasons have we for regulating the rates of railroads?

The prices charged by stages and teams are often exorbitant, and always greatly exceed those of railroads; why, then, interfere with the business of railroads and let the others go unrestrained?

Under our general railroad laws, a railroad company has no monopoly, any more than stages or teams. Rival and competing roads can be built to any extent that capitalists may think best. In former times, when railroads were built under special charters, which granted exclusive rights, there was no propriety in the Legislature retaining a control of the rates, but when no exclusive rights are enjoyed the business should be left free, like all other enterprises open to competition.

This State is peculiarly dependent upon railroads for its means of communication and transportation. As we are destitute of navigable streams we need many roads built to enable us to develop our resources and bring in a population. We need them now. Our population is sparse and our products of bullion afford but little business for railroads. The rapid changes of our population, concentrating at one place this year, and then deserting it for a distant locality the next, render railroad investments very uncertain. Under these circum-

stances it is not strange that capitalists hesitate and decline to invest in such enterprises.

With all our efforts to procure railroads, not a mile was built until Congress extended aid to the Pacific Railroad for great national purposes, yet our railroad laws are of the most liberal character. Those laws allow the collection of rates exceeding those charged by the Pacific Railroad. If those rates are materially reduced, and the most material inducements held out to capitalists to build our roads are taken away, we may rest assured that no more railroads will be built, except by public aid from the people direct, or on the part of the State—which cannot be done without a change of our Constitution.

If we adopt the policy which this bill is founded upon, of waiting until a railroad is built, and then by special laws reduce its rates, then we may be sure that we shall have no more railroads—it would be such a plain, palpable breach of good faith on the part of the State as would shake and utterly destroy confidence in all our important public enterprises. Who will invest money in a State so reckless of its character for fair dealing?

If we reduce the present legal rates one-half, as is contemplated by this bill, and the law could prove effectual, it would be a vital blow to the prospective railroad interests of this State, as well as to this company. It is very doubtful whether under it the gross proceeds or receipts would pay the necessary expenses of running the road. We feel confident that no other road will be built for generations to come if such laws are passed.

We ought to do everything in our power to inspire confidence in capitalists that all investments in this State will be safe and protected; we want other and lateral roads to penetrate the various rich mining localities in different portions of the State, without which they are now, and must remain, comparatively worthless. The passage of such bills would destroy all such hope by destroying all confidence with capitalists. If it is urged that a reduction of rates will increase the business and make up the deficiency, we would say that is a proper argument to urge upon the officers of the company, who are supposed to know what is for its best interests. But it must be borne in mind that all successful experiments of that kind have been made on roads located in thickly populated countries, where travel and business is large. In such cases a reduction induces large masses to travel who otherwise would not. But in this State we have no such population to afford business—only those travel whose business requires it, and they are few.

At this time the country in the vicinity of the railroad is almost destitute of population, affording little or no business for it. The men who have invested their money in building this railroad are certainly entitled to a fair, reasonable return upon their investments. They have received none as yet; no dividends have been made to the stockholders. While the stockholders are receiving nothing, the people ought not to complain of their tariff rates.

It is certain that our transportation is now done by the railroad cheaper, more certain, and more expeditious than ever before, and we have therefore no just cause of complaint, for, so far, we are receiving all the benefits and suffering no injury.

If the rates now established by our general railroad laws are too high, and it should be thought for our best interests to reduce them, such reduction should only apply to roads to be hereafter built, so that those who have built roads under our present law can have no just grounds for impugning the good faith of the State.

This Legislature during the session has passed an Act imposing a tax of about six hundred thousand dollars on the citizens of four of the counties of this State, as a bonus to secure the construction of a railroad only sixteen miles in length, without submitting the proposition to the property owners in those counties, to

ascertain by ballot if it is in accordance with their wishes to be taxed for such a purpose, showing the earnestness and anxiety on the part of the Legislature to secure the building of railroads by adopting an extraordinary system of legislation.

The Central Pacific road enters our State, and traverses its boundaries hundreds of miles, bringing in its train millions of taxable property to aid in the support of our State government, creating a large and profitable internal trade, facilitating the means to secure a large emigration thitherward, and rendering protection to the settler without the sacrifice of a dollar on the part of the State or its citizens.

Some of the provisions of this bill are of the most extraordinary character, and which your Committee regard as in direct violation of the State Constitution, one of which is the clause that confers exclusive and final jurisdiction upon any Justice of the Peace, and gives the Justice one-half of the fines imposed under the Act. These provisions are most monstrous in their character. Under them a person may be summoned to appear in any remote part of the State, distant from his witnesses, before tribunal, directly interested to the amount of one hundred and fifty dollars to convict him of the charge, and from the judgment of this prejudiced tribunal, the bill denies him all right of appeal.

Another is the provision that the property of the railroad company shall be liable to attachment and sale, upon a judgment against one of its employés, and is equally objectionable.

The property of a person or corporation cannot be taken from them except by due process of law, which is upon a judgment writ, issued by a court of competent jurisdiction—upon a regular judgment against them, in an action in which such person or corporation has had an opportunity of being heard in defense. To make the property of a corporation liable upon a judgment against a third party, would violate every principle of justice and equity.

The passage of this bill would be evidence of a hostility on the part of the State towards this enterprise, which ought not, and we believe does not exist. We ought to do no act to injuriously affect a company now putting forth such tremendous efforts to complete their work in the shortest possible time.

The passage of this bill would undoubtedly injure the company very severely, but it would injure the State more, evincing as it would a determination to strike down all successful railroads; and we believe it to be the imperative duty of the Legislature to protect and not destroy this important and necessary class of public works. Believing the foregoing statements correct in fact, just in law, and true in policy, your Committee submit the following incontrovertible propositions:

1st. The bill, if a law, would be inoperative, because in conflict with a law of Congress.

2d. In many particulars it is unjust to the corporators, and can in nowise benefit the people, and is in every sense unwise legislation.

3d. Congress gave the Central Pacific Railroad Company all its rights, and no other legislative power can impair those rights, and by Congressional limitation that body cannot now legally reduce either fares or freights.

4th. The tariff of fares and freights charged is not above that authorized by Congress.

5th. This State never gave a dollar towards the construction of this railway, and it has been benefited by the addition of millions of taxable property, increased business, cheaper fares and freights, and great reduction of time in transportation.

6th. We need additional and competing roads, which this bill, should it become a law, would forever prevent our attaining, as it would alarm and drive capitalists looking hither, to other States, which are willing to protect vested rights, and keep faith pledged by their laws.

7th. If this body can rightfully reduce the tariff rates of fare and freight on this road one-half, it clearly has the right to reduce it nine-tenths or to nothing.

8th. This bill is inconsistent with the legislation of this session, compelling hundreds of property owners to pay unwilling taxes to build more railroads, and that without reference to any reduction of fares or freights under those allowed by the Act of this State, passed March 22d, 1865.

9th. This bill, if enacted a law, would be in positive conflict with the law of Congress, and therefore void.

We therefore recommend that the bill be indefinitely postponed.

Respectfully submitted,

J. M. WOODWORTH,  
Chairman.

*Mr. Speaker :*

Your Committee on Judiciary, to whom was referred Assembly Bill No. 55, "An Act to repeal an Act entitled 'An Act supplementary to an Act to provide Revenue for the Support of the Government of the State of Nevada,'" recommending its passage.

Also, Assembly Bill No. 54, "An Act to provide for the Registration of the Names of Electors," recommending that it do not pass, as the same subject is provided for in a Senate Bill.

Also, Assembly Bill No. 17, "An Act concerning the Election of District Judges," recommending that it do not pass.

And a majority of the Committee report back Assembly Bill No. 147, "An Act providing for the Removal of County Seats," recommending that it do not pass.

Also, report back Assembly Bill No. 136, with the following amendments :

Strike out Section 2, and insert in lieu thereof the following :

SECTION 2. The claims of Nightingill, for the services mentioned in Sec. 1, shall be presented to the Board of Examiners, who shall allow thereon such sum as the services above mentioned are found to have been reasonably worth, after deducting all payments thereon, and not exceeding the said sum of one thousand dollars ; and the examination and allowance of the claim shall be subject to all the provisions of law in force in reference to unliquidated claims for the payment of which an appropriation has been made.

C. J. HILLYER,  
Chairman.

The Judiciary Committee reported back substitute for Senate Bill No. 165 entitled "An Act for the Relief of Jas. S. Slingerland, Warden of the State Prison," prepared as per instructions of the House.

Substitute for Senate Bill No. 165 read and adopted.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Assembly Bills with the engrossed copies as passed by the two Houses, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval, viz :

Assembly Bill No. 76, "An Act to amend an Act entitled 'An Act in relation to Fines.'"

Also, Assembly Bill No. 96, "An Act to amend an Act to provide a Fund for the Payment of the Salaries of the District Judges of this State and to regulate the Disposition of the Same, approved March 1st, 1866."

Also, Assembly Concurrent Resolution No. 33, Relative to granting leave of absence to Stephen A. Kinsey, County Clerk of Douglas County, State of Nevada, and have this day filed the same with the Secretary of State.

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared Assembly Bill No. 19, entitled "An Act to protect Stockholders in their Rights in Mines and Mining Claims," and that they have found the same correctly engrossed.

JOHN S. MAYHUGH,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

The Nye County portion of the Select Committee, to whom was referred Substitute for Senate Bill No. 121, would respectfully report that they concur in the report made by the Lander and Lincoln County delegations.

JOHN BOWMAN,  
W. DOOLIN.

*Mr. Speaker :*

Your Standing Committee on County and County Boundaries, to whom was referred Senate Bill No. 85, "An Act entitled 'An Act concerning the Office of Surveyor General,' approved March 20th, 1865," have had the same under consideration, beg leave to report the same back to the House with the following amendments :

In Section 1, strike out the first ten lines and insert the following :

"It shall be the duty of the Surveyor General of the State of Nevada, upon the written applications of the Boards of County Commissioners of two or more Counties in this State, between which a dispute with regard to the dividing boundary shall arise, to make an accurate and complete survey of the boundaries of the Counties named in the applications, establishing thereon all necessary and proper monuments."

In Section 2, strike out the first three lines.

JOHN S. MAYHUGH,  
Chairman.

W. DOOLIN,  
J. L. RICHARDSON,  
I. S. BURSON,  
N. E. BUNKER,  
CHAS. D. KING,  
G. D. COBURN.

*Mr. Speaker :*

Your Committee of Conference on Assembly Bill No. 111 have directed their Chairman to report that the Senate have receded from their amendment.

W. DOOLIN,  
Chairman.



*Mr. Speaker :*

Your Committee on Conference appointed to confer with a like Committee on the part of the Senate, in reference to the disagreement between the two Houses on Senate Bill No. 52, have met with said Senate Conference Committee, and recommend that the House recede from its amendment striking out Section 22.

Respectfully submitted,

J. M. WOODWORTH,  
Chairman.

Mr. Hillyer moved that the House concur in the report of the Committee.  
Agreed to.

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, King, Lammon, Moody, Potter, Richardson, Rule, Shakspeare, Tennant, Waller, Woodworth, Wright, and Mr. Speaker—26.

NAYS—Messrs. Burson, Clark, Doolin, Hillyer, Mayhugh, Mills, Randall, Scott, Shimmin, and Welch—10.

#### SPECIAL ORDER FOR 12 M.

The House resolved itself into the Committee of the Whole, Mr. Tennant in the chair, for the consideration of Substitute for Senate Bill No. 185, entitled "An Act for the Relief of James S. Slingerland, Warden of the State Prison."

Also, Assembly Bill No. 136, entitled "An Act to provide for the Payment of the Claim of A. W. Nightingill."

In time the Committee rose and reported back Substitute for Senate Bill No. 185, recommending its passage.

Also, Assembly Bill No. 136, with amendments, recommending its passage.

Report adopted, and Committee discharged.

On motion of Mr. Mills, the rules were suspended, and Substitute for Senate Bill No. 185, as reported from Committee of the Whole, was considered engrossed.

Read third time and passed :

YEAS—Messrs. Barney, Brown, Burlingame, Coburn, Corbett, Doolin, Ford, Hanson, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Shakspeare, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—23.

NAYS—Messrs. Anderson, Bowman, Bunker, Burson, Clark, Dangberg, Davis, Gray, Hanford, Hillyer, Moulton, Richardson, Scott, Shimmin, and Waller—16.

Substitute for Senate Bill No. 185, entitled "An Act to provide for the Payment of the Claim of A. W. Nightingill."

On motion, Mr. Hillyer was appointed a Special Committee of one with instructions to amend the bill, as per report of the Committee of the Whole.

The Committee reported the bill back to the House, amended as per instructions.

Report adopted, and Committee discharged.

Bill read third time.

Upon the passage of the bill, the previous question was called for and sustained.

Roll called, and bill passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Cleveland, Coburn, Dangberg, Doolin, Ford, Hanson, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Rule, Shakspeare, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—26.

NAYS—Messrs. Anderson, Burson, Burlingame, Clark, Corbett, Davis, Gray, Hanford, Hillyer, Moulton, Richardson, Scott, and Shimmin—13.

#### SPECIAL ORDER.

At 1:20 minutes P.M., Mr. King moved to take a recess for one hour.  
Carried.

In session—2:20 P.M.  
Quorum present.

Mr. Tennant asked leave of absence for Mr. Moody, for the remainder of the day.

Leave granted.

Mr. Mayhugh asked leave that his vote may be changed from the affirmative to the negative on the passage of the Constitutional Amendment No. 197.

Leave granted.

The resolution, as laid over under the rules, was taken up and adopted.

#### RESOLUTIONS.

By Mr. Welch :

*Resolved*, That the Sergeant-at-Arms be directed to distribute of Mr. Hillyer's speech ten copies to each member of Senate and Assembly, and five copies to each attaché, and the balance to Mr. Hillyer for his own use.

Adopted.

By Mr. Mayhugh :

This is to certify that the Engrossing Clerk of this House has had extra engrossing done to the amount of eighteen hundred and sixty folios, as per order of the Chairman of the Committee on Engrossment.

JOHN. S. MAYHUGH,

Chairman of Committee on Engrossment.

*Resolved*, That the Sergeant-at-Arms be directed to draw his scrip in favor of E. F. Mitchell for the certified amount at the rate per folio as allowed by law.

Adopted.

On motion of Mr. Hillyer, a call of the House was ordered.

Roll called.

Absent—Messrs. Corbett and Richardson.

Mr. Corbett appearing at the bar of the House, was admitted and excused.

On motion of Mr. Mills, the further proceedings under the call of the House were dispensed with.

## MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
 Carson City, March 1st, 1869. }

*To the Hon. the Assembly of Nevada:*

I herewith return to your honorable body Assembly Bill No. 37, entitled "An Act for the relief of A. M. Kruttschnitts and his bondsmen," without approval. The proposition contained in this bill to relieve, evidently predicated upon the fact that there exists against Mr. Kruttschnitts and his bondsmen legal liability to the State. While I am not prepared to say that under no circumstances revenue officers should be released from official liabilities, yet as the Supreme Court of the State has judicially decided, in the case of the State of Nevada *vs.* A. M. Kruttschnitts, that through his official misconduct, as Assessor for Storey County, the State was wronged out of several thousands of dollars of the revenue arising from the mine tax, I cannot consistently sanction his release, especially as Mr. Kruttschnitts gives us proof of his knowledge of the law and his official duty by assessments previously and legally made.

I think the State has a just and legal right to exact from him and his bondsmen what the highest judicial tribunal holds it has lost, by his official malfeasance. Experience has demonstrated, in other commonwealths, that when for inconsiderable causes, revenue officers have been gratuitously released from similar liability, applications rapidly multiply, in some instances, based upon willful and long pre-meditated schemes of fraud, insomuch that the taking from such official security for the faithful fulfillment of public trusts becomes a mere farce.

I hope Nevada will never invite such action on the part of her public servants.

These objections to the bill address themselves so earnestly to my judgment that I cannot in good conscience approve the bill; hence its return for further action.

H. G. BLASDEL,  
 Governor.

The question being, Shall the bill pass notwithstanding the objections of the Governor?

The roll was called and bill passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hill-  
 yer, King, Lammon, Mayhugh, Mills, Potter, Randall, Shakspeare, Shimmin,  
 Small, Waller, Welch, Wright, and Mr. Speaker—30.

NAYS—Messrs. Burlingame, Moulton, Rule, Scott, Tennant, and Woodworth  
 —6.

Mr. Moulton introduced Assembly Concurrent Resolution No. 39, relative to granting leave of absence to Robert A. Frasier, Treasurer of Washoe County, for a period of five months.

Read and adopted.

Motion to suspend the rules, and take up General File.  
 Lost.

## SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, February 27th, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith transmit to your honorable body, for your consideration, Senate Bill No. 194, "An Act to require Foreign Corporations to Furnish Evidence of their Incorporation and Corporate Names."

Also, Senate Bill No. 189, "An Act providing Offices for the District Judges in this State."

Also, Senate Bill No. 192, entitled "An Act to amend an Act entitled 'An Act concerning Juries,' approved March 3d, 1866."

Also, Senate Concurrent Resolution No. 198, "Relative to certain Military Stations in the State of Nevada."

Also, Senate Concurrent Resolution No. 202, "Relating to the Protection of Fish in the Truckee River and its Branches," all of the above having this day passed the Senate.

I also am instructed to inform your honorable body, that the Senate have this day concurred in Assembly amendments to Senate Bill No. 168, "An Act to create the Office of State Mineralogist, and to Define the Duties of such officer."

Also, that the Senate have this day receded from their amendment to Assembly Bill No. 111, "An Act to provide for the Care of the Insane of the State of Nevada, and to create a Fund for that purpose."

Also, that they have this day appointed Messrs. Bonnifield, Eastman, and Edwards a Committee of Conference, to consider with a like committee appointed by the Assembly, on the Senate amendments to Assembly Bill No. 112, "An Act changing the Salary of the County Treasurer of Nye County."

Respectfully,

CHAS. F. BICKNELL,  
 Ass't Sec'y Senate.

Resolution by Mr. Tennant.

*Resolved*, That hereafter all bills and resolutions brought before this House shall be voted upon without debate.

Lost.

Senate Bill No. 194, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 189, as per message.

Read first time; rules suspended; read second time by title, and referred to the Committee on Ways and Means.

Senate Bill No. 192, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Concurrent Resolution No. 198, as per message.

Read and adopted unanimously.

Senate Concurrent Resolution No. 202, as per message.

Read, motion to amend lost, and resolution adopted.

## GENERAL FILE.

Assembly Bill No. 19, entitled "An Act to protect the Rights of Stockholders in Mines and Mining Claims."

Mr. Welch moved to refer the bill to a Special Committee of One, with instructions to amend, by inserting in Section 1, line four, after the word "*interested*" and before the word "from," the words "once in every alternate day."

Lost.

Mr. Gray moved to refer the bill to a Special Committee of One, with instructions to insert in Section 1, line four, after the word "*interested*," the words "whenever the same will not materially interfere with the working of the mines." Also, in line six, after the word "shafts," the words "as far as the same can be done without interfering with the mining operations being there carried on."

Withdrawn.

Mr. Hillyer moved that the bill be made the special order for to-morrow at 12 M.

Mr. Bowman moved as a substitute that it be placed at the bottom of the file.

Mr. Mills moved to lay the bill on the table.

Upon which the ayes and noes were called for by Messrs. Cleveland, Adkison, and Potter, and motion lost.

YEAS—9.

NAYS—20.

On motion of Mr. Hillyer, the bill was made the special order for to-morrow, at 2 P.M.

Resolution by Mr. Woodworth, by leave.

*Resolved*, That the Clerk is hereby instructed to place engrossed bills at the bottom of the file when reported from the Engrossing Committee, and those reported to-day shall be so placed.

Adopted.

Assembly Bill No. 107, entitled "An Act to amend an Act entitled 'An Act regulating the Rafting and Running Timber and Wood on the Rivers in the State of Nevada.'"

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Mayhugh, Moulton, Potter, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, and Woodworth—27.

NAYS—Mr. Waller—1.

Assembly Bill No. 144, entitled "An Act to amend an Act entitled 'An Act in relation to Public Highways.'"

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burlingame, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Hanford, Hillyer, King, Mayhugh, Potter, Richardson, Rule, Shimmin, Tennant, Welch, and Mr. Woodworth—23.

NAYS—Messrs. Dangberg, Mills, Scott, and Waller—4.

Substitute for Assembly Bill No. 129, entitled "An Act to provide for the Selection and Sale of the School Lands donated to the State of Nevada."

Mr. Corbett moved to place the bill at the bottom of the File.

Mr. King moved to amend, to make the bill the Special Order for to-morrow at 12 M.

Carried.

Mr. Moulton, by leave, introduced Assembly Bill No. 175, entitled "An Act to amend an Act entitled 'An Act to authorize Myron Lake, his Heirs, and Assigns, to construct a Toll Road from the Junction House, in Washoe County, to the Boundary Line between Washoe and Lake Counties in Nevada Territory,' approved December 17th, 1862."

Read first time ; rules suspended ; read second time by title, and referred to Committee on Corporations.

On motion of Mr. Wright, at 5:10 P.M. the House took a recess until 6:30 P.M.

In session—6:30 P.M.

Mr. Tennant in the chair.

On motion of Mr. Woodworth, a call of the House was ordered.

Roll called.

Absent—Messrs. Barney, Clark, Cleveland, Coburn, Corbett, Davis, Hanson, Mayhugh, Moody, Randall, Rule, Shakspeare, Shimmin, Waller, Wright, and Mr. Speaker.

Mr. Barney, appearing at the bar of the House, on motion, was admitted and excused.

Mr. Wright, appearing at the bar of the House, was admitted and excused.

Mr. Corbett, appearing at the bar of the House, on motion, was admitted and excused.

Mr. Speaker, appearing at the bar of the House, was admitted and excused.

Messrs. Rule and Randall, appearing at the bar of the House, were admitted and excused.

On motion of Mr. Woodworth, the further call of the House was dispensed with.

On motion, General File taken up.

Assembly Bill No. 120, entitled "An Act to Incorporate the Town of Hamilton."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Burlingame, Clark, Corbett, Doolin, Ford, Gray, Hanford, Hillyer, King, Mills, Moody, Pot-

ter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Wright—29.

Assembly Bill No. 153, entitled "An Act to Incorporate Treasure City, Lander County.

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Burlingame, Clark, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Wright—32.

On motion of Mr. Hillyer, a call of the House was ordered.

Roll called.

Absent—Messrs. Cleveland and Mayhugh.

On motion of Mr. Speaker, the further proceedings under the call were dispensed with.

#### RESOLUTION BY MR. SPEAKER, BY LEAVE.

*Resolved*, That hereafter no speech of more than five minutes in length shall be allowed on any one question, and that no member shall speak more than twice to the same question.

Withdrawn.

#### SPECIAL ORDER FOR SEVEN O'CLOCK P.M.

Joint Resolution No. 39, relative to amendment to the Constitution of the United States.

Mr. Corbett moved that it be made the Special Order for to-morrow evening at 7 o'clock P.M.

Lost.

Upon the motion to adopt the resolution, the ayes and noes were called for by Messrs. Doolin, Hillyer, and Welch.

The previous question was called for, and sustained.

On motion of Mr. Doolin, a call of the House was ordered.

Roll called.

Absent—Messrs. Coburn and Waller.

Messrs. Coburn and Waller appearing at the bar of the House, were excused.

On motion of Mr. Woodworth, the further call of the House was dispensed with.

Resolution passed by the following vote :

YEAS—Messrs. Barney, Brown, Bunker, Burson, Burlingame, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon,

Richardson, Shakspeare, Shimmin, Welch, Woodworth, Wright, and Mr. Speaker—23.

NAYS—Messrs. Anderson, Bowman, Clark, Cleveland, Coburn, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Scott, Small, Tennant, and Waller—16.

On motion of Mr. Woodworth, at 9:10 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FIFTY-EIGHTH DAY.

TUESDAY, March 2d, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Mr. Anderson.

Prayer by the Rev. Father Gleeson.

Journal read, corrected, and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Judiciary, to whom was referred Senate Bill No. 197, "An Act to require Foreign Corporations to furnish evidence of their Incorporation and Corporate Names," report the same back to the House, recommending its passage.

Also, Senate Bill No. 140, "An Act to regulate the business of Assaying," with the recommendation that it do pass.

Also, Assembly Bill No. 170, "An Act to amend 'An Act in relation to Mining,' " recommending its passage.

Also, Assembly Bill No. 123, "An Act in relation to the Recordation and Satisfaction of certain Papers," with the recommendation that it do not pass.

C. J. HILLYER,  
Chairman.

*Mr. Speaker :*

The undersigned, members of the Judiciary Committee, to whom was referred Assembly Bill No. 28, entitled "An Act for the Protection of Labor," report the same back to the House with a recommendation that it do not pass, for the reason that its provisions, in a modified form, are contained in Senate Bill No. 92, the passage of which we recommended as a substitute. The Committee have had presented to them several petitions, numerous and respectably signed, protesting against the passage of this bill. While we are willing, as stated above, to



accept the Senate Substitute, we are unwilling to permit it to be supposed that we concur in the reasoning or the conclusions of the petitioners. We think that labor should be free—that every person should be at liberty to employ or be employed on such terms as may be agreed upon between the contracting parties, and that whatever laws are necessary to secure this should be passed. We believe that this freedom should extend to all kinds of employments and to all persons, including Chinese.

We think it highly dangerous to establish distinctions or make exceptions in this respect, for if the principle be once admitted, then the right of every class, Americans and Europeans, as well as Asiatics, are at the mercy of legislative majorities, or of the superior physical force of other classes in the community.

We therefore urge the passage of the Senate Bill, believing that if not entirely adequate to the present necessity, it will, by the distinctness with which it defines offenses against these rights, notwithstanding the leniency of the punishments which it prescribes, be found adequate to the protection of all classes of laborers.

C. J. HILLYER,  
Chairman.  
J. M. WOODWORTH,  
ROBT. J. MOODY,  
JOHN BOWMAN,  
W. D. GRAY.

*Mr. Speaker :*

Your Standing Committee on Ways and Means, to whom was referred Senate Bill No. 189, "An Act providing Offices for the District Judges in this State," have had the same under consideration, have come to a favorable conclusion thereon, and report the bill back to the House and recommend that it do pass.

THOMAS J. TENNANT,  
Chairman.  
JOHN S. MAYHUGH.

*Mr. Speaker :*

Your Standing Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 14, entitled "An Act to provide for the Selection, Sale, and Reclamation of the Swamp and Overflowed Lands belonging to this State, have had the same under consideration and directed their Chairman to report the same back to the House without recommendation.

R. H. SCOTT,  
Chairman.

#### MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, March 1st, 1869.

*To the Hon. the Assembly of Nevada :*

I have this day approved the following Assembly Bills :

No. 76, "An Act to amend an Act entitled 'An Act in relation to fines,' approved January 28, 1867."

No. 96, (again) "An Act to amend an Act entitled 'An Act to provide a Fund for the Payment of the Salaries of the District Judges of this State, and to regulate the disposition of the same,' approved March 1, 1866."

H. G. BLASDEL,  
Governor.

On motion of Mr. Woodworth, the General File was taken up.

Assembly Bill No. 143, entitled "An Act to amend 'An Act to Tax and Regulate Foreign Insurance Companies.'"

Amendments of Committee adopted.

Rules suspended.

Bill considered engrossed.

Read third time and passed:

YEAS—Messrs. Barney, Bowman, Burson, Burlingame, Clark, Coburn, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Moody, Potter, Rule, Scott, Shaksperè, Shimmin, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—28.

NAYS—Mr. Cleveland—1.

Substitute Bill No. 2, entitled "An Act to define the Boundary Line between the County of Nye and the Counties of Churchill and Esmeralda."

Read third time and passed:

YEAS—Messrs. Barney, Bowman, Burson, Burlingame, Clark, Cleveland, Coburn, Dangberg, Davis, Ford, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Moody, Potter, Randall, Rule, Scott, Shaksperè, Shimmin, Waller, Welch, Woodworth, Wright, and Mr. Speaker—28.

#### COMMUNICATION FROM THE STATE LIBRARIAN.

STATE LIBRARY, CARSON CITY, }  
March 2d, 1869.

*To D. O. Adkison, Speaker of the Assembly:*

SIR—In compliance with the provisions of Rule Seven, as established by the Directors of the Nevada State Library, for the government of the same, I herewith transmit a list of books issued to and not returned by the members of your honorable body, as follows:

Mr. Anderson: Statutes of Nevada, 1864–5, 1866, and 1867, Assembly Journal, 1867.

Mr. Adkison: Statutes of Nevada, 1864–5, 1867.

Mr. Burlingame: Statutes of Nevada, 1864–5, 1866, and 1867, Assembly Journal, 1867.

Mr. Barney: Statutes of Nevada, 1864–5, 1866, and 1867, Assembly Journal, 1867.

Mr. Burson: Statutes of Nevada, 1864–5, 1866, and 1867, Assembly Journal, 1867.

Mr. Brown: Statutes of Nevada, 1864–5, 1866, and 1867, Assembly Journal, 1867, Senate Journal, 1867, Constitutional Debates, Frederick the Great, Vol. 1, Burke's Works, Vol. 1, Memoirs of Celebrated Characters, Vols. 1, 2, and 3.

Mr. Bunker : Statutes of Nevada, 1864, 1864-5, 1866, and 1867.

Mr. Corbett : Statutes of Nevada, 1864-5, 1866, and 1867, Assembly Journal, 1867.

Mr. Coburn : Statutes of Nevada, 1864-5, 1866, and 1867, Assembly Journal, 1867.

Mr. Cleveland : Statutes of Nevada, 1864-5, 1866, and 1867, Assembly Journal, 1867.

Mr. Dangberg : Statutes of Nevada, 1864-5, 1866, and 1867, Assembly Journal, 1867.

Mr. Doolin : Statutes of Nevada, 1864-5, 1866, and 1867, Assembly Journal, 1867.

Mr. Davis : Statutes of Nevada, 1864-5, 1866, and 1867.

Mr. Ford : Statutes of Nevada, 1864-5, 1866, and 1867, Assembly Journal, 1867.

Mr. Gray : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Hanson : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Hillyer : Statutes of Nevada, 1864, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Hanford : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Potter : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Randall : Statutes of Nevada, 1864, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Richardson : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Rule : Statutes of Nevada, 1864, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Scott : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Shimmin : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Shakspeare : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867, Stile's Austria, Vol. 1.

Mr. Woodworth : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Welch : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

Mr. Waller : Statutes of Nevada, 1864-5, 1866 and 1867, Assembly Journal, 1867.

There is also in the hands of the Judiciary Committee of the Assembly, one copy each of the Statutes of Nevada of 1861, 1862, 1864, 1864-5, 1866 and 1867.

I have the honor to be,

Very respectfully, your ob't serv't,

C. N. NOTEWARE,

State Librarian.

By LEWIS DERON, Clerk in Library.

Senate Bill No. 5, entitled "An Act for the Relief of J. M. Woodworth."  
Read third time.

Mr. Hillyer, at the request of the Senators from Humboldt County, moved that the bill be referred to a special Committee of One, with instructions to strike out, in Section 1, line six, after the word "For" and before the word "dollars," the words "seven hundred," and insert in lieu thereof the words "one thousand."

Carried, and Mr. Hillyer was appointed said Committee.

The Committee reported the bill back to the House, amended as per instructions.

Roll called, and bill passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Davis, Doolin, Gray, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Randall, Richardson, Rule, Shimmin, Tennant, Welch, Wright, and Mr. Speaker—26.

NAYS—Messrs. Scott and Waller—2.

Assembly Joint Resolution No. 31, relating to Walker River Indian Reservation in Esmeralda County.

Read third time.

On motion, Mr. Shimmin was appointed a Committee of One, with instructions to insert "Whereas," second line, after the word "acres," the words "or more."

The Committee reported the bill back amended as per instructions.

Roll called and resolution passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Dangberg, Davis, Doolin, Gray, Hillyer, Mayhugh, Moody, Randall, Richardson, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—25.

NAYS—Mr. Scott—1.

Assembly Concurrent Resolution No. 35, relating to Mail Service from Belmont, Nye County, to Shermantown, White Pine County, in this State.

Rules suspended; bill considered engrossed; read third time, and passed:

YEAS—Messrs. Barney, Bowman, Brown, Burlingame, Cleveland, Coburn, Dangberg, Davis, Doolin, Gray, Hanson, Hillyer, King, Mayhugh, Moody, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—29.

Assembly Bill No. 150, entitled "An Act to authorize the several Counties of this State to issue Bonds in aid of Railroad Companies."

Indefinitely postponed.

Senate Bill No. 66, entitled "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer.'"

Indefinitely postponed.

Assembly Bill No. 126, entitled "An Act to provide for the Care of the Indigent Insane of the State of Nevada, and to provide a Fund for the same."

Indefinitely postponed.

Assembly Bill No. 125, entitled "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer.'"

Indefinitely postponed.

Senate Bill No. 128, entitled "An Act concerning certain Expenses relative to Jurors in Civil Cases."

Read third time and passed :

YEAS—Messrs. Bowman, Brown, Bunker, Burlingame, Cleveland, Corbett, Dangberg, Davis, Ford, Gray, Hanson, Hillyer, Mayhugh, Moody, Moulton, Potter, Randall, Richardson, Rule, Shakspeare, Shimmin, Small, Tennant, Woodworth, and Mr. Speaker—25.

NAYS—Messrs. Doolin, Lammon, Scott, Waller, and Welch—5.

Assembly Joint Resolution No. 32, relative to issue of Patents for Lands in this State to any Railroad Companies.

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Moody, Moulton, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—32.

Senate Bill No. 105, entitled "An Act to authorize the County Commissioners of the several Counties of this State to offer Rewards in certain cases."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Moody, Moulton, Randall, Richardson, Rule, Shakspeare, Small, Tennant, Waller, Woodworth, and Mr. Speaker—28.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that they have carefully compared the following Assembly Bills with the engrossed copies as passed by the two Houses and found the same correctly enrolled and have this day presented the same to the Governor for his approval, viz :

Assembly Bill No. 77, "An Act to provide for the Education of the Deaf and Dumb and Blind of the State of Nevada."

Also, Assembly Bill No. 111, "An Act to provide for the care of the Insane of the State of Nevada, and to create a fund for that purpose."

CHAS. D. KING,  
Chairman.

On motion, the Sergeant-at-Arms was directed to inform the absent members that there would be a call of the House at 12 m. to consider the Special Order.

Assembly Bill No. 161, entitled "An Act entitled an Act to amend Section 58 of an Act entitled 'An Act to provide revenue for the support of the government

of the State of Nevada, approved March 9th, 1865,' approved March 12th, 1867."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—34.

Substitute for Senate Bill No. 151, entitled "An Act to grant the right of way through the streets of certain Towns in the County of Lander (as at present bounded) to certain persons, for laying down the Track of a Railroad."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanson, King, Mills, Moody, Moulton, Potter, Richardson, Rule, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—31.

#### SPECIAL ORDER FOR TWELVE M.

Substitute for Assembly Bill No. 129, entitled "An Act for the Selection and Sale of the School Lands belonging to the State of Nevada."

On motion, the House resolved itself into the Committee of the Whole, Mr. Bowman in the Chair, for the consideration of the bill.

In time, the Committee rose, reported the bill back to the House with amendments, recommending its passage as amended.

Report of Committee adopted and Committee discharged.

On motion of Mr. Hillyer, at 1:45 P.M. the House took a recess for one hour.

In session—2:45 P. M.

Quorum present.

On motion of Mr. Woodworth, a call of the House was ordered.

Absent—Messrs. Anderson, Bunker, Dangberg, Mills, Lammon, and Tennant. Messrs. Tennant, Dangberg, and Bunker appearing at the bar of the House, were admitted and excused.

Mr. Anderson appearing at the bar of the House, was admitted and excused.

On motion of Mr. Hillyer, the further proceedings under the call of the House were dispensed with.

#### SPECIAL ORDER.

Third reading of Substitute for Assembly Bill No. 129, entitled "An Act to provide for the Selection and Sale of the School Lands donated to the State of Nevada."

Mr. Wright moved to refer the bill to a Special Committee of One, with instructions to strike out the name of D. G. Corbett, and insert in lieu thereof the name of H. F. Rice.

Upon which the ayes and noes were called for by Messrs. Bowman, Corbett, and Randall.

Roll called, and motion lost :

YEAS—Messrs. Brown, Burlingame, Cleveland, Coburn, Gray, Hillyer, Mayhugh, Moody, Moulton, Woodworth, Wright, and Mr. Speaker—12.

NAYS—Messrs. Anderson, Barney, Bowman, Bunker, Clark, Dangberg, Davis, Doolin, Ford, Hanford, Hanson, King, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, and Welch—23.

Mr. Hillyer moved that the bill be referred to a Special Committee of One, with instructions to strike out the name of "Mr. Koneman" and insert the name of H. F. Rice in lieu thereof.

Roll called, and motion lost :

YEAS—Messrs. Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Dangberg, Doolin, Gray, Hanson, Hillyer, Mayhugh, Mills, Richardson, Wright, and Mr. Speaker—17.

NAYS—Messrs. Anderson, Barney, Clark, Corbett, Davis, Ford, Hanford, King, Lammon, Moody, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, and Woodworth—21.

Bill read third time and passed :

YEAS—Messrs. Anderson, Brown, Bunker, Burson, Clark, Corbett, Davis, Doolin, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Richardson, Rule, Shakspeare, Shimmin, Welch, Woodworth, Wright, and Mr. Speaker—25.

NAYS—Messrs. Barney, Bowman, Burlingame, Cleveland, Coburn, Dangberg, Ford, Hanson, Moulton, Randall, Scott, Small, Tennant, and Waller—14.

Mr. King gave notice that he would on to-morrow move to reconsider the vote by which the bill passed.

#### SPECIAL ORDER FOR TWO P.M.

Assembly Bill No. 19, entitled "An Act to protect the Rights of Stockholders in Mines and Mining Claims."

Mr. Doolin moved to refer the bill to a Special Committee of One, with instructions to strike out all of Section 2.

Lost.

Bill read third time ; amended ; considered engrossed, and passed :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Clark, Cleveland, Coburn, Corbett, Dangberg, Davis, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—33.

NAYS—Messrs. Anderson and Doolin—2.

Senate Bill No. 155, entitled "An Act to authorize certain parties to supply the Towns of Hamilton, Treasure City, White Pine City and vicinities with water."

Read third time.

On motion, the bill was referred to a Special Committee of One, with instructions to amend by striking out in Section 3, after the word "the" and before the word "but," the words "County Commissioners," and insert "corporate authorities of the respective Towns or Cities;" and add to Section 3, the words "during the period of five years next after the passage of this Act."

Roll called and bill passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Hanford, Hanson, Hillyer, King, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmie, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—31.

On motion, Senate Messages were taken up.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 2d, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith return to your honorable body, Assembly Substitute for Senate Bill No. 163, "An Act for the Relief of J. S. Slingerland, Warden of the State Prison," the same having this day passed the Senate.

Also, Substitute for Assembly Bill No. 108, "An Act for the erection of a State Orphans' Home and to provide for the same," the same having passed the Senate on March 1st, 1869. Same day notice given of motion to reconsider the vote whereby the bill passed. March 2d, Senate refused to reconsider the vote.

I also have the honor to transmit for the consideration of your honorable body Senate Bill No. 207, "An Act to establish and define the dividing line between the Counties of Churchill and Lander."

Also, Senate Bill No. 29, "An Act to amend an Act entitled 'An Act to provide for the Selection and Sale of lands granted by the United States to the State of Nevada, approved April 2d, 1867,'" the above bills having passed the Senate March 1st, 1869.

I also return to your honorable body, Assembly Joint Resolution No. 39, relative to proposed amendment to the Constitution of the United States, the same having passed the Senate on March 1st, 1869.

Respectfully,

CHAS. F. BICKNELL,  
Assistant Secretary Senate.

Senate Bill No. 207, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on County and County Boundaries.

Senate Bill No. 29, as per message.

Read first time; rules suspended; read second time by title, and referred to the Committee on Public Lands.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 2d, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith return to your honorable body, Assembly Bill No. 37, "An Act for the Relief of A. M. Kruttschnitts and his Bondsmen," the same



having passed the Senate this day, notwithstanding the objection of the Governor, by the following vote :

YEAS—18.

NAYS—2.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Secretary Senate.

Senate Bill No. 107, entitled "An Act to grant the Right of Way to certain persons for a Railroad Track through the Streets of Hamilton and Treasure City, in the County."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Clark, Cleveland, Coburn, Dangberg, Davis, Gray, Hanson, King, Mills, Moody, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, and Mr. Speaker—26.

Senate Bill No. 115, entitled "An Act to provide for the Registration of the Names of Electors, and to prevent Fraud at Elections."

Amendments reported from Judiciary Committee adopted.

Bill read third time.

Mr. Bowman moved that the bill be referred to a Special Committee of One, with instructions to strike out all of Section 13.

Lost.

Mr. Hillyer moved that the bill be referred to a Special Committee of One, with instructions to amend by adding to Section 7: *Provided*, That in case of failure to produce the certificate of naturalization the Registering Agent shall propound to him the following questions :

1st. In what year did you come to the United States?

2d. In what State, county, court, and year did you declare your intention to become a citizen?

3d. In what State, county, court, and year were you finally admitted to citizenship?

4th. Where did you last see your certificate of naturalization?

The answer to the above questions shall be taken down in the form of an affidavit, which shall be subscribed and sworn to by the applicant, and retained in possession of the Registry Agent, and by him handed over to his successor; *provided*, that no person shall be required to make the affidavit twice before the same agent, or the successor of such agent, having in his possession a former certificate.

Carried.

The Committee reported the bill back to the House amended as per instructions. Report adopted and Committee discharged.

Roll called and bill passed :

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Cleveland, Coburn, Corbett, Dangberg, Davis, Gray, Hanson, Hillyer, King, Mills, Moody, Moulton, Potter, Richardson, Rule, Shimmin, Small, Tennant, Woodworth, and Mr. Speaker—25.

NAYS—Messrs. Bowman, Clark, Doolin, Hanford, Mayhugh, Scott, Shakspeare, and Welch—8.

RESOLUTION.

*Resolved*, That the Hon. the Senate be and it is hereby requested to return Senate Bill, "An Act for the relief of J. M. Woodworth," to this House, in order that its amendments may be incorporated therein.

Adopted.

MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, March 2d, 1869. }

*To the Hon. the Assembly of Nevada :*

I have this day approved the following Assembly Bills :

No. 77, "An Act to provide for the Education of the Deaf and Dumb and Blind of the State of Nevada."

No. 148, "An Act to enable a certain class of Claimants against the State to appeal to the Courts."

No. 111, "An Act to provide for the Insane of the State of Nevada, and to create a Fund for that purpose."

H. G. BLASDEL,  
Governor.

Mr. Mayhugh introduced the following preamble and resolutions :

WHEREAS, The IVth Article, Section 35, of our State Constitution provides that every bill which may pass the Legislature shall before it becomes a law be presented to the Governor, and if he approve it he shall sign it; but if not, he shall return it with his objections to the House in which it originated; and

WHEREAS, The Constitution further provides that if any bill shall not be returned within five days after it shall have been presented to him (Sunday excepted) exclusive of the day on which he received it, the same shall be a law in like manner as if he had signed it, unless the Legislature by its final adjournment prevent such return; and

WHEREAS, The Chairman of the Committee of Enrollment of this House did present to the Governor at his office, on the twenty-third day of February, eighteen hundred and sixty-nine, Assembly Bill No. 33, entitled "An Act to create the County of White Pine;" and

WHEREAS, Said bill was returned to this House by the Governor's Private Secretary on this the second day of March, 1869, without his signature or objection thereto; and

WHEREAS, Said Assembly Bill No. 33, to create the County of White Pine, has this day become a law without the Governor's signature by virtue of the Constitution, Article IV, Section 35, having had the same before him five days, exclusive of the day of delivery of the said bill to him; therefore, be it

*Resolved*, by the Assembly, (the House in which the bill originated) That the Chief Clerk be directed to inform the Senate of the facts set forth in the foregoing preamble; also, to transmit to and deposit with the Secretary of State the bill, with a certificate of facts in relation thereto.

On motion of Mr. Hillyer, at 5:26 P.M. the House took a recess until 6:30 P.M.

In session—6.30 P.M.

On motion, Mr. Gray took the chair.

On motion of Mr. Woodworth, a call of the House was ordered.

Roll called.

Absent—Messrs. Bowman, Brown, Bunker, Burlingame, Clark, Cleveland, Coburn, Corbett, Dangberg, Doolin, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moulton, Randall, Richardson, Shakspeare, Waller.

Messrs. Hillyer and Wright appearing at the bar of the House, were admitted and excused.

On motion of Mr. Tennant, the further call of the House was dispensed with.

Mr. King moved to adjourn.

Lost.

On motion of Mr. Woodworth, a call of the House was ordered.

Roll called.

Absent—Messrs. Brown, Bunker, Burlingame, Clark, Cleveland, Dangberg, Hanson, Mayhugh, Mills, Rule, Shakspeare, Waller, and Mr. Speaker.

Mr. Doolin moved that the further call of the House be dispensed with.

Lost.

Mr. Shakspeare appearing at the bar of the House, was admitted and excused.

On motion, the further proceedings under the call of the House were dispensed with.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Contingent Expenses report that they have had the following bills under consideration, and recommend that the Sergeant-at-Arms pay the same, to wit :

O. Greenebaum.....	\$ 3 75
E. A. Davis.....	21 50
E. D. Sweeny..	9 00
E. B. Rail.....	20 75
Aug. Ash.....	51 50

A. K. POTTER, Chairman.  
E. CLARK.  
A. C. CLEVELAND,  
THOS. C. FORD.

Adopted.

Mr. Hillyer moved that the vote by which the report was adopted be reconsidered.

Carried, and the report made the special order for Thursday, March 4, at 1 o'clock P.M.

*Mr. Speaker :*

Your Committee on Contingent Expenses have had the bill of P. H. Clayton under consideration, and recommend that it be not allowed, for the following reason : That your Committee think it impossible to have extra fires in the Judiciary room, when there is only one stove in the room. Also, in regard to repairs to rocking chairs and lamp chimney, we think the House has nothing to do with the same.

A. K. POTTER, Chairman.  
A. C. CLEVELAND,  
THOMAS C. FORD,  
E. CLARK.

Made special order for Thursday, March 4th, at 1 o'clock P.M.

*Mr. Speaker :*

Your Standing Committee on Public Lands, to whom was referred Senate Bill No. 30, entitled "An Act to provide for the Election of the Board of Regents, to fix their Term of Office, and prescribe their Duties," have had the same under consideration, and directed their Chairman to report the same back with the following amendment : In Section 3, after the word "shall," in line three, strike out all of said section to the word "manage," in the tenth line of said section, and recommend that the same do pass as amended.

J. M. WOODWORTH,  
Chairman.

Mr. Potter, by leave, introduced Assembly Bill No. 178, entitled "An Act to provide for the Compilation of the Statutes of the late Territory of Nevada, and of the State of Nevada."

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Assembly Bill No. 164, entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled an Act to amend Section 1 of an Act to amend an Act passed by the Legislative Assembly of the Territory of Nevada, entitled an Act to provide for the Appointment of Notaries, and defining their Duties, approved February 9th, 1864, approved March 20th, 1865,' approved February 9th, 1866."

Amendments of Committee adopted.

Rules suspended; considered engrossed; read third time, and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker. Burson, Burlingame, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hillyer, King, Mayhugh, Mills, Moody, Potter, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—29.

NAYS—Mr. Dangberg—1.

Mr. Corbett asked leave of absence for Mr. Hanson for the remainder of the day.

Leave granted.

Assembly Bill No. 154, entitled "An Act to Legalize the last Will and Testament of Henry Stickoth."

Amendments of the Committee adopted.

Rules suspended ; considered engrossed ; read third time, and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Richardson, Rule, Shakspeare, Shimmin, Small, Tennant, Woodworth, Wright, and Mr. Speaker—29.

NAYS—Messrs. Burlingame, Scott, and Welch—3.

Substitute for Senate Bill No. 45, entitled "An Act to create the County of Elko."

Amendments of Select Committee adopted.

On motion, the bill was referred to a Special Committee of One, with instructions to strike out of Section 9 the words "said warrants shall bear interest at ten per cent. per annum until paid."

The Committee reported the bill back, amended as per instructions.

Bill read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Cleveland, Corbett, Davis, Ford, Gray, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—29.

NAYS—Messrs. Coburn and Dangberg—2.

Assembly Bill No. 127, entitled "An Act supplementary to an Act entitled 'An Act granting to certain persons the right to construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada.'"

Indefinitely postponed.

Assembly Bill No. 155, entitled "An Act to repeal an Act entitled 'An Act supplementary to an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada, approved March 9th, 1865,' and other Acts amendatory and supplementary thereof approved March 12th, 1867.'"

Rules suspended ; bill considered engrossed ; read third time, and passed :

YEAS—Messrs. Barney, Bowman, Bunker, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hillyer, Mayhugh, Mills, Moody, Moulton, Randall, Richardson, Rule, Shakspeare, Shimmin, Small, Welch, Woodworth, and Mr. Speaker—23.

NAYS—Messrs. Cleveland, Dangberg, Hanson, King, and Wright—5.

Assembly Bill No. 54, entitled "An Act to provide for the Registration of the Names of Electors, and for the ascertainment by proper proofs of the persons who shall be entitled to the right of Suffrage."

Laid on the table.

Assembly Bill No. 17, entitled "An Act concerning the election of District Judges."

Indefinitely postponed.

Assembly Bill No. 147, entitled "An Act to amend an Act providing for the removal of County Seats and the permanent Location of the same."

Withdrawn.

Senate Bill No. 194, entitled "An Act to require foreign corporations to furnish evidence of their Incorporations and Corporate Names."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Bunker, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Welch, Woodworth, Wright, and Mr. Speaker—29.

On motion of Mr. Hillyer, the Chairman of the Enrolling Committee were authorized to have the Civil Practice Act enrolled from the printed copy of the bill as amended.

Senate Bill No. 148, entitled "An Act to regulate the business of Assaying within the State of Nevada."

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Bunker, Burson, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Welch, Woodworth, Wright, and Mr. Speaker—28.

Assembly Bill No. 170, entitled "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled 'An Act for the Encouragement of Mining,' approved February 24th, 1864."

Rules suspended; bill considered engrossed; read third time, and passed :

YEAS—Messrs. Barney, Bowman, Bunker, Burson, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanson, Hillyer, Mayhugh, Moody, Potter, Randall, Richardson, Shakspeare, Shimmin, Small, Woodworth, and Mr. Speaker—23.

NAYS—Messrs. King, Mills, Scott, Welch, and Wright—5.

Assembly Bill No. 123, entitled "An Act in relation to the Recordation and Satisfaction of certain Papers and copies of Process."

Laid on the table.

Senate Bill No. 189, entitled "An Act providing Offices for the District Judges in this State."

Read third time and passed :

YEAS—Messrs. Barney, Burson, Coburn, Dangberg, Davis, Doolin, Ford, Hanson, Hillyer, King, Mayhugh, Moody, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Woodworth, Wright, and Mr. Speaker—21.

NAYS—Messrs. Bowman, Cleveland, Mills, Small, and Welch—5.

Senate Bill No. 92, entitled "An Act to amend an Act entitled 'An Act concerning Crimes and Punishments,' approved March 26th, 1861."

Mr. Mills moved to lay the bill on the table.

Upon which the ayes and noes were called for by Messrs. Hillyer, Welch, and Woodworth.

On motion of Mr. Mayhugh, at 5 minutes to 8 P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## FIFTY-NINTH DAY.

WEDNESDAY, March 3d, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Cleveland, Dangberg, Mayhugh, Moody, Welch, and Wright.

Prayer by the Rev. Father Gleeson.

Journal of yesterday read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

The Judiciary Committee, to whom was referred Assembly Bill No. 178, report the same back, with a recommendation that it do not pass, for the reason that there is no sufficient necessity for the compilation of our statutes to justify the expense by which it would be attended.

C. J. HILLYER,  
Chairman.

Mr. Woodworth, by leave, introduced Assembly Bill No. 179, entitled "An Act supplementary to an Act entitled 'An Act concerning the Powers of Corporations.'"

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Mr. Bowman asked leave of absence for the day.  
Leave granted.

On motion of Mr. Woodworth, a call of the House was ordered.

Roll called.

Absent—Messrs. Anderson, Burlingame, Cleveland, Dangberg, Mayhugh, Moulton, Welch, and Wright.

Mr. Dangberg appearing at the bar of the House, was, on motion, admitted and excused.

On motion, the further call of the House was dispensed with.

On motion, Assembly Bill No. 28, "An Act for the protection of Labor" was made the special order for 12 m. to-day.

Substitute for Senate Bill No. 121, entitled "An Act to provide for the Survey of the Eastern Boundary Line of the State of Nevada."

Read third time and passed :

YEAS—Messrs. Barney, Brown, Bunker, Burson, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanson, Hillyer, King, Lammon, Mills, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Wright—26.

Mr. Potter was granted leave of absence for half an hour.

Senate Bill No. 85, entitled "An Act supplemental to an Act entitled 'An Act concerning the Office of Surveyor General,' approved March 20th, 1865."

On motion of Mr. King, the bill was referred to a Select Committee of Three, consisting of Messrs. Hillyer, Woodworth, and Moulton.

#### REPORT OF CONFERENCE COMMITTEE.

*Mr. Speaker:*

Your Committee of Conference, appointed to confer with a like Committee on the part of the Senate in regard to the disagreement between the two Houses on Assembly Substitute Bill No. 112, entitled "An Act changing the Salary of the County Treasurer of Nye," have met said Senate Conference Committee, and they have agreed to report to the Senate, recommending that the Senate recede from its amendments.

J. M. WOODWORTH,  
Chairman.

By unanimous consent, Mr. Mayhugh was instructed to insert the enacting clause in Assembly Bill No. 64, "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 1 of an Act to amend an Act passed by the Legislative Assembly of the Territory of Nevada, entitled 'An Act to provide for the appointment of Notaries Public and define their duties,' approved February 9th, 1864 ;' approved March 20th, 1865 ; approved February 9th, 1866," as engrossed.

Senate Bill No. 14, entitled "An Act to provide for the Selection, Sale, and Reclamation of the Swamp and Overflowed Lands belonging to the State."

Read third time and lost :

YEAS—Messrs. Clark, Doolin, Hanford, Hillyer, King, Moulton, and Small—7.

NAYS—Messrs. Bunker, Coburn, Corbett, Dangberg, Davis, Mayhugh, Mills, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Tennant, Waller, and Woodworth—16.

Mr. Davis gave notice that he would, this afternoon, move to reconsider the vote by which the bill was lost.



Mr. Mills, by leave, introduced Assembly Bill No. 180, entitled "An Act to amend an Act entitled 'An Act to create the County of White Pine and provide for its organization.'"

Read first time; rules suspended; read second time by title; rules further suspended; read third time and passed:

YEAS—Messrs. Brown, Bunker, Burson, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Richardson, Scott, Shakspeare, Shimmin, Small, Woodworth, and Mr. Speaker—23.

NAYS—Messrs. Randall, Rule, Tennant, and Waller—4.

Mr. Speaker, by leave, introduced Assembly Concurrent Resolution No. —, relative to granting leave of absence to His Excellency Governor H. G. Blasdel for a period of eight months.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker:*

Your Committee upon Enrollment beg leave to report the following Assembly Bills as correctly enrolled, and that they have this day presented the same to the Governor for his approval, viz:

Assembly Bill No. 108, "An Act for the Erection of a State Orphan's Home and to provide for the same."

Also, Assembly Bill No. 165, "An Act for the relief of J. S. Slingerland, Warden of the State Prison."

Also, Assembly Joint Resolution No. 39, relative to proposed amendment to the Constitution of the United States, and have filed the same with the Secretary of State.

CHAS. D. KING,  
Chairman.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have carefully read and compared the following Assembly Bill and have found the same correctly engrossed, namely:

Assembly Bill No. 19, entitled "An Act to protect the Rights of Stockholders in Mines and Mining Claims."

JOHN S. MAYHUGH,  
Chairman.

Senate Bill No. 30, entitled "An Act to provide for the Election of the Board of Regents, to fix their Term of Office, and Prescribe their Duties."

Amendments of Committee adopted.

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, Mayhugh, Mills, Moulton, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Mr. Speaker—29.

Assembly Bill No. 178, entitled "An Act to provide for the Compilation of the Statutes of the late Territory of Nevada, and of the State of Nevada."

Laid temporarily on the table.

Mr. Woodworth, pursuant to notice, moved to reconsider the vote by which substitute for Assembly Bill No. 129 was passed.

Mr. Hillyer moved to indefinitely postpone the motion to reconsider.  
Upon which the previous question was called for and sustained.  
Motion to reconsider indefinitely postponed.

#### SPECIAL ORDER FOR TWELVE M.

Senate Bill No. 92, entitled "An Act to amend an Act entitled 'An Act concerning Crimes and Punishments,' approved March 26th, 1861."

Mr. Doolin moved a call of the House.

Lost.

Bill read third time and lost :

YEAS—Messrs. Barney, Dangberg, Davis, Gray, Hanson, Hillyer, Richardson, Rule, Shimmie, Small, Tennant, Woodworth, Wright, and Mr. Speaker—14.

NAYS—Messrs. Anderson, Brown, Bunker, Burson, Clark, Cleveland, Coburn, Corbett, Doolin, Ford, Hanford, King, Mayhugh, Mills, Moulton, Potter, Randall, Scott, Shakspeare, and Waller—20.

#### SPECIAL ORDER FOR TWELVE M.

Assembly Bill No. 28, entitled "An Act for the Protection—"  
Postponed for half an hour.

On motion of Mr. Mayhugh, the Governor's veto message was taken up.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, March 3d, 1869.

*To the Hon. Assembly of Nevada :*

I herewith return Assembly Bill No. 129, entitled "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer,' approved February 7th, 1865," without approval.

I respectfully submit that the second section of this bill is in conflict with Section 21, Article V, of the Constitution, which of itself requires all claims against the State, with the exception of two classes only, to be *considered and acted upon* by the Board of Examiners before being passed upon by the Legislature ; and the Constitution (mandatory and sufficient in itself upon this matter) does not *limit the time* within which the action required by it shall be had.

Suppose a claim be presented to the Board, and as has frequently been the case, it cannot be acted upon within thirty days, it then must, under this bill, go at once to the Controller. Suppose he then disallow it—it then must go to the Legislature, without having been considered and acted upon by the Board of Examiners.

It seems to my mind clear, that you might with equal propriety enact, that if a case at law or in equity be not tried at *nisi prius* within a given time, it shall be sent to and tried originally by the Supreme Court.

These objections are of such a character that I cannot consistently with my sense of duty approve the bill, but return it for your further action.

Respectfully submitted,

H. G. BLASDEL,  
Governor.

Mr. Mayhugh moved that the veto message of the Governor, on Assembly Bill No. 129, be made the special order for 3 P.M. to-day.

Carried.

On motion of Mr. Mayhugh, at 1.30 P.M. the House took a recess for one hour.

In session—2.30 P.M.

Quorum present.

On motion, Senate messages were taken up.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 2d, 1869. }

*To the Hon. the Assembly:*

I have the honor to herewith transmit for your consideration :

Senate Bill No. 209, "An Act to amend an Act entitled 'An Act to Provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865."

Also, Senate Bill No. 228, "An Act to amend an Act supplementary to an Act entitled 'An Act defining the Duties of the State Treasurer,' approved February 2d, 1866," approved March 1st, 1869," the above bills having passed the Senate this day.

I also return to your honorable body Assembly Bill No. 136, "An Act to provide for the Payment of the Claim of A. W. Nightingill."

Also, Substitute Bill No. 2, "An Act to define the Boundary Line between the County of Nye and the Counties of Churchill and Esmeralda."

Also, Assembly Bill No. 59, "An Act relative to Diverting the Waters of any River or Stream, and to provide for the Right of Way through the Lands of others, approved March 3d, 1866."

Also, Assembly Concurrent Resolution No. 39, relative to leave of absence to R. A. Frasier, all the above having this day passed the Senate without amendment.

Respectfully,  
CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 3d, 1869. }

*To the Hon. the Assembly:*

I am instructed to herewith transmit for your consideration :

Senate Bill No. 231, "An Act to abolish the Recorder's Court and the office of City Recorder in Virginia City."

Also, Senate Bill No. 63, "An Act providing for the Taxation of the net Proceeds of Mines."

Also, Senate Bill No. 183, "An Act supplementary and amendatory of an Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State,

and to Repeal all other Acts in relation thereto, passed the Senate and Assembly at the regular session A.D. 1869," the above bill having this day passed the Senate.

I also am instructed to inform your honorable body that the Senate this day have concurred in Assembly amendments to Senate Bill No. 115, "An Act to provide for the Registration of the Names of Electors, and to Prevent Fraud at Election."

Also, that the Senate Committee of Conference, appointed to consider amendment to Assembly [Bill] No. 112, "An Act Changing the Salary of the Treasurer of Nye County," have this day reported in favor of the Senate receding from their amendment to said bill, and the report adopted.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Senate Bill No. 228, as per message.

Read first time; rules suspended; read second time by title, and made the special order for to-morrow, March 4th, at 11 A.M.

Senate Bill No. 209, as per message.

Read first time; rules suspended; read second time by title, and referred to Committee on Ways and Means.

Senate Bill No. 231, as per message.

Read first time; rules suspended; read second time by title; rules further suspended; bill read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Lammon, Mayhugh, Moody, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—29.

Senate Bill No. 183, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

Senate Bill No. 63, as per message.

Read first time; rules suspended; read second time by title, and referred to the Judiciary Committee.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 3d, 1869. }

*To the Hon. the Assembly:*

I am instructed to return to your honorable body, Assembly Bill No. 53, "An Act to Incorporate Treasure City."

Also, Assembly Bill No. 120, "An Act to Incorporate the Town of Hamilton."

Also, Assembly Bill No. 142, "An Act to Incorporate Shermantown, Lander County."

All the above bills having passed the Senate without amendment.

I also transmit for your consideration Senate Concurrent Resolution No. 233, relative to Board of State Prison Commissioners, allowing certain salaries in gold coin.

Also, Senate Bill No. 131, "An Act to amend an Act entitled 'An Act to create the office of State Printer,'" etc., the above bills having this day passed the Senate.

I am also instructed to transmit for your consideration Senate Bill No. 50, "An Act to amend an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada.'"

Also, Senate Bill No. 210, "An Act making Appropriation for the support of the civil government of the State of Nevada for the Fifth and Sixth Fiscal Years."

Also, Senate Bill No. 230, "An Act making Appropriation for Deficiencies in the Third and Fourth Fiscal Years."

Also, Senate Concurrent Resolution, No. 232, relative to allowing moneys to Engine Companies Nos. 1 and 2, and to the negro boys, all of the above having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,

Ass't Sec'y Senate.

The Judiciary Committee reported verbally Senate Bill No. 63, recommending its passage.

#### SPECIAL ORDER FOR THREE P. M.

Veto Message of the Governor on Assembly Bill No. 129.

The question being: Shall the bill pass notwithstanding the objections of the Governor?

Roll called, and bill passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Clark, Coburn, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Randall, Richardson, Rule, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, and Wright—27.

NAYS—Messrs. Bunker, Cleveland, Corbett, Dangberg, Moody, Moulton, Potter, Scott, Small, and Mr. Speaker—10.

On motion of Mr. Hillyer, Senate Bill 63, entitled "An Act providing for the Taxation of the net proceeds of Mines," was taken up.

Mr. Speaker moved to make the bill the special [order] for 4 o'clock P.M.

Lost.

Mr. Anderson moved that the bill be recommitted to the Judiciary Committee.

The previous question was called for and sustained, and motion to recommit carried.

Mr. Speaker, pursuant to notice, moved to reconsider the vote by which Senate Bill No. 14, entitled "An Act to provide for the selection and reclamation of the Swamp and Overflowed Lands belonging to the State."

Roll called, and

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Cleveland, Coburn, Davis, Doolin, Ford, Gray, Hanford, Hanson, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Shakspeare, Small, Waller, and Mr. Speaker—26.

NAYS—Messrs. Bunker, Clark, Shimmin, Tennant, Welch, Woodworth, and Wright—7.

Mr. Woodworth moved to make the bill the special order for to-morrow at 2 P.M.

Lost.

Roll called and bill passed:

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Davis, Doolin, Ford, Hanford, Hanson, Mayhugh, Moulton, Randall, Richardson, Rule, Small, Waller, and Mr. Speaker—22.

NAYS—Messrs. Shimmin, Tennant, and Welch—3.

Senate Concurrent Resolution No. 233, as per message.

Read and adopted.

The Chairman of the Judiciary Committee reported back verbally Senate Bill No. 63, recommending its passage.

Senate Bill No. 131, as per message.

Read first time; rules suspended; read second time by title, and placed at the bottom of the file.

Senate Bill No. 50, as per message.

Read first time; rules suspended; read second time by title, and placed at the bottom of the file.

Senate Bill No. 210, as per message.

Read first time; rules suspended; read second time by title, and referred to the Committee on Ways and Means, with instructions to report to-morrow morning.

Resolution by Mr. Tennant, by leave:

*Resolved*, That at 12 o'clock M. to-morrow, March 4th, 1869, this House adjourn *sine die*.

Referred to the Judiciary Committee.

Senate Bill No. 230, as per message.

Read first time; rules suspended; read second time by title, and placed at the bottom of the file.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Select Committee, composed of the Churchill and Lander delegations, to whom was referred Senate Bill No. 207, "An Act to establish and define the dividing line between the Counties of Churchill and Lander, have had the same under consideration and report the same back with recommendation that it do pass.

A. B. WALLER,  
E. CLARK,  
T. J. TENNANT,  
ROBT. J. MOODY,  
GEO. D. COBURN,  
GEO. F. MILLS.

Senate Bill No. 207, entitled "An Act to establish and define the dividing lines between the Counties of Churchill and Lander," as reported from Committee.

On motion of Mr. Tennant, the rules were suspended, bill read third time and passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Randall, Richardson, Shakspeare, Shimmin, Small, Tenant, Welch, Woodworth, Wright, and Mr. Speaker—29.

Senate Concurrent Resolution No. 232, as per message.  
Read and lost.

SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 3d, 1869. }

*To the Hon. the Assembly:*

I am instructed to transmit for your consideration, Senate Bill No. 152, "An Act to amend an Act entitled 'An Act defining the Duties of the State Controller, approved February —, 1866,'" the same having this day passed the Senate notwithstanding the objections of the Governor, by the following vote:

YEAS—16.

NAYS—3.

I am also instructed to transmit for your consideration, Senate Bill No. 138, "An Act supplementary to an Act entitled 'An Act to create Legislative Funds,' passed February 5th, 1869," the same having this day passed the Senate notwithstanding the objections of the Governor, by the following vote:

YEAS—19.

NAYS—0.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Senate Bill No. 152, and veto message of the Governor, as per Senate Message.

Read.

The question being, Shall the bill pass, notwithstanding the objections of the Governor?

Roll called and bill passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Randall, Rule, Scott, Shakspeare, Shimmin, Waller, Welch, Woodworth, Wright, and Mr. Speaker—31.

NAYS—Messrs. Cleveland and Small—2.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 3d, 1869. }

*To the Hon. the Assembly:*

I am instructed to return to your honorable body Assembly Bill No. —, "An Act to amend an Act entitled 'An Act relating to the Board of Examiners, to define their Duties and Powers, and to impose certain Duties on the Controller and Treasurer, approved February 7, 1865,'" the same having passed the

Senate this day, notwithstanding the objections of the Governor, by the following vote :

YEAS—14.

NAYS—4.

Respectfully,

CHAS. F. BICKNELL,

Ass't Sec'y Senate.

Senate Bill No. 138 and veto message of the Governor, as per Senate message. Read.

The question being, Shall the bill pass, notwithstanding the objections of the Governor?

Roll called and bill passed :

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Wright—32.

NAYS—Mr. Moulton—1.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report as correctly enrolled the following Assembly Bills, and that they have presented the same to the Governor for his approval, viz :

Assembly Bill No. 112, "An Act changing the Salary of the County Treasurer of Nye."

Also, Assembly Bill No. 29, "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, and to repeal all other Acts thereto."

CHAS. D. KING,

Chairman.

#### SPECIAL ORDER.

Senate Bill No. 63, entitled "An Act providing for the Taxation of the Net Proceeds of the Mines."

On motion of Mr. Wright, a call of the House was ordered.

Roll called.

Absent—Messrs. Lammon and Potter.

On motion, the further proceedings under the call of the House were dispensed with.

On motion to suspend the rules to place the bill upon its third reading and final passage, the ayes and noes were called for by Messrs. Wright, Corbett, and Mr. Speaker.

Roll called and motion carried :

YEAS—Messrs. Anderson, Bowman, Brown, Burson, Burlingame, Coburn, Davis, Doolin, Gray, Hanford, Hillyer, King, Mayhugh, Mills, Moody, Randall,



Richardson, Rule, Shakspeare, Shimmin, Tennant, Waller, Welch, and Woodworth—24.

NAYS—Messrs. Barney, Bunker, Clark, Cleveland, Corbett, Dangberg, Ford, Hanson, Moulton, Scott, Small, and Wright—12.

Bill read third time, and

Mr. Speaker [moved that the bill] be referred to a Special Committee of One, with instructions to amend Section 3 as follows:

"All ores and minerals shall be assessed for purposes of taxation for State and county purposes at their value when removed from the mine and deposited on the surface; and to determine the value of ores containing gold and silver, or either, the Assessor shall deduct from the gross yield of such ores, when the gross yield shall not exceed fifty dollars per ton, eighteen dollars per ton, if worked by any process other than smelting, roasting, or *Freiburg Process*. From the gross yield of all ores which exceed fifty dollars, there shall be deducted the sum of twenty-five dollars per ton, if worked by any process other than by smelting, roasting, or *Freiburg Process*. And from all ores worked by smelting, roasting, or *Freiburg Process*, there shall be deducted from the gross yield of all such ores the sum of sixty dollars per ton; *provided*, that drying for dry crushing shall not be considered the roasting, smelting, or *Freiburg Process*."

The previous question was called for, and sustained.

Upon the motion to refer with instructions, the ayes and noes were called for by Messrs. Corbett, Cleveland, and Tennant.

Roll called and motion lost:

YEAS—Messrs. Barney, Bunker, Burson, Cleveland, Corbett, Dangberg, Hanson, Moulton, Shimmin, Small, Wright, and Mr. Speaker—12.

NAYS—Messrs. Anderson, Bowman, Brown, Burlingame, Coburn, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Tennant, Welch, and Woodworth—25.

The question recurring upon the passage of the bill—

Roll called and bill passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burlingame, Coburn, Davis, Doolin, Ford, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—29.

NAYS—Messrs. Bunker, Burson, Cleveland, Corbett, Dangberg, Moulton, Small, and Wright—8.

Mr. Hillyer made a report from Select Committee on Senate Bill No. 85.

Pending the reading of which,

On motion of Mr. Cleveland, at 5:20 minutes P.M. the House adjourned.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.

## SIXTIETH DAY.

THURSDAY, March 4th, 1869.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Fraser.

On motion of Mr. Mayhugh, the reading of the Journal was dispensed with.

## RESOLUTIONS.

*Resolved*, That the Sergeant-at-Arms be directed to draw his scrip on the Contingent Fund in favor of E. F. Mitchell for the sum of sixty dollars, for extra engrossing up to date.

JOHN S. MAYHUGH,

Chairman of Committee on Engrossment.

Mr. Mills, by leave, introduced, Assembly Joint Resolution No. 156, relative to Congressional aid for rendering the Colorado River navigable, and for a railroad to Eastern Nevada.

Read first time; rules suspended; read second time by title.

Rules further suspended.

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Welch, Woodworth, and Mr. Speaker—29.

Mr. Anderson moved to take from the table resolution relative to the payment of two dollars per day, extra pay, to John Best, as night watchman.

Agreed to and resolution adopted.

## SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER, }  
CARSON CITY, March 3d, 1869. }

*To the Hon. the Assembly:*

I transmit herewith, for your action, Senate Bill No. 191, "An Act for the relief of S. H. Marlette."

Also, Senate Concurrent Resolution No. 234, relative to leave of absence of the Lieutenant-Governor of the State of Nevada for six months.

The above having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Mr. Potter, by leave, introduced Assembly Joint Resolution No. 157, relative to the Civil Practice Act.

Read and adopted.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report the following Assembly Bills correctly enrolled and have this day presented to the Governor for his approval, viz :

Substitute Bill No. 2, "An Act to define the Boundary Line between the County of Nye and the Counties of Churchill and Esmeralda."

Also, Assembly Bill No. 59, "An Act to amend an Act entitled 'An Act to allow any person or persons to divert the Waters of any River or Stream, and run the same through any Ditch,' etc.

Also, Assembly Bill No. 53, "An Act to incorporate Treasure City."

CHAS. D. KING,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee, consisting of the Virginia delegation, to whom was referred Senate Bill No. 58, "An Act to provide for the Liquidation and Payment of certain Claims against the City of Virginia," beg leave to report that they have had the same under consideration, and a portion of said delegation came to a favorable conclusion thereon, and recommend its passage, for the reason that we deem the claim a just one, and the fact that the bill calls for but fifty cents on the dollar in greenbacks in lieu of a gold contract. We therefore hope the bill will pass.

Signed, JOHN WELCH,  
GEO. I. LAMMON,  
I. S. BURSON.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 3d, 1869. }

*To the Hon. the Assembly:*

I herewith return to your honorable body Assembly Bill No. 143, "An Act to amend an Act to Tax and Regulate Foreign Insurance Companies," with the following amendment :

In line four of Section 6, after the word "statement," insert the words "concealment or misrepresentation," the same having passed the Senate as amended.

Also, Assembly Bill No. 121, "An Act to submit to the People of the Counties of White Pine, Nye, and Lincoln, a proposition to give County Aid to a Railroad from Elko to the Colorado River," with the following amendments :

1st. In title of bill insert after the word "of," second line, the word "Elko."

2d. In Section 1, second page, sixth line, after the word "dollars," insert the words "nor in the County of Elko the sum of one hundred and fifty thousand dollars."

3d. In Section 5, in beginning of fifth line, insert the words "if in the County of Elko of thirty miles," the same having passed the Senate this day as amended.

Also, Assembly Bill No. 170, "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled 'An Act for the Encouragement of Mining,' approved February 24th, 1864."

Also, Assembly proposal to amend the Constitution, No. 14—the above bills have this day passed the Senate without amendment.

I also return Assembly Bill No. 65, "An Act for the Limitation of the Hours of Labor."

Also, Assembly Bill No. 154, "An Act to Legalize the last Will and Testament of Henry Sticknoth."

Also, Assembly Bill No. 155, "An Act to repeal an Act entitled 'An Act supplementary to an Act entitled an Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865, and other Acts amendatory and supplementary thereof, approved March 12th, 1867."

The foregoing bills having been by the Senate this day indefinitely postponed.

I also return Assembly Bill No. 164 for correction, the enacting clause having been omitted.

Also, Assembly Concurrent Resolution No. 181, relative to leave of absence of His Excellency Governor H. G. Blasdel for eight months, the same having passed the Senate this day.

I also transmit herewith, for the consideration of your honorable body, the following Senate Bills:

No. 39, "An Act supplementary to an Act entitled 'An Act to provide Revenue for the Support of the State of Nevada, approved March 9th, 1865, and the Acts amendatory thereof."

Also, Senate Bill No. 137, "An Act requiring a License to Transport Passengers for Hire within this State."

Also, Senate Bill No. 147, "An Act to provide for the Carrying out of the Provisions of Sec. 17 of Art. I of the Constitution of the State of Nevada."

Also, Senate Bill No. 150, "An Act to provide for the Formation of Corporations for the Accumulation and Investment of Funds and Savings."

Also, Senate Bill No. 162, "An Act to amend an Act concerning Courts of Justice of this State and Judicial Officers, approved January 26th, 1865."

Also, Senate Bill No. 199, "An Act supplementary to an Act entitled 'An Act relating to Elections,' etc., approved March 9th, 1866."

Also, Senate Bill No. 223, "An Act authorizing the transfer of certain Records and Suits from the County Seat of Lander County to the County Seat of White Pine County."

Also, Senate Concurrent Resolution No. 242, relative to Election of Board of Regents.

All the above having this day passed the Senate.

I also transmit Senate Substitute for Assembly Bill No. 74, "An Act to amend an Act entitled 'An Act to grant the Right of Way to construct a Toll Road from Virginia to Truckee Meadows and Steamboat Valley in Storey and Washoe Counties,' approved November 29th, 1861," the same having this day passed the Senate.

I have also the honor to inform your honorable body that the Senate have this day concurred in Assembly amendments to Senate Bill No. 5, "An Act for the relief of J. M. Woodworth."

Also, in Assembly amendments to Senate Bill No. 30, "An Act to provide for the Election of a Board of Regents, to fix their Term of Office and prescribe their duties."

Also, in Assembly amendments to Senate Bill No. 45, "An Act to create the County of Elko and provide for its organization."

Respectfully,

CHAS. F. BICKNELL,  
Assistant Secretary Senate

Senate Bill No. 191, as per message.

Read first time ; rules suspended ; read second time by title, and placed on file.

Senate Concurrent Resolution No. 234, as per message.

Read.

On motion of Mr. Woodworth, the resolution was referred to a Special Committee, consisting of Messrs. Woodworth, Hillyer, and Moulton, with instructions to insert, "provided the Lieutenant-Governor shall not absent himself from the State during the absence of the Governor." The Committee reported the resolution back amended as per instructions, and resolution as amended adopted.

Amendments of Senate to Assembly Bill No. 143 concurred in :

YEAS—Messrs. Barney, Bowman, Brown, Burson, Burlingame, Clark, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Waller, Welch, Woodworth, Wright, and Mr. Speaker—29.

Amendments of Senate to Assembly Bill No. 121 concurred in :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moulton, Potter, Randall, Richardson, Scott, Shakspeare, Shimmin, Waller, Welch, Woodworth, Wright, and Mr. Speaker—31.

Senate Bill No. 39, as per message.

Read first time ; rules suspended ; read second time by title, and placed on file.

Senate Bill No. 147, as per message.

Read first time.

Mr. Mills moved to indefinitely postpone.

Upon which the ayes and noes were called for by Messrs. Woodworth, Welch, and Mills, and bill indefinitely postponed :

YEAS—Messrs. Bowman, Brown, Bunker, Burson, Coburn, Corbett, Gray, Hanford, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Potter, Randall, Welch, Woodworth, Wright, and Mr. Speaker—20.

NAYS—Messrs. Barney, Burlingame, Clark, Dangberg, Davis, Hanson, Moody, Scott, Shakspeare, Shimmin, Tennant, and Waller—12.

Mr. Hillyer moved that the rules be suspended, and all Senate Bills, per message, be considered read first and second times by title, and placed on file.

Carried.

Senate Bill No. 150, as per message.

Read first time ; rules suspended ; read second time by title, and placed on file.

Senate Bill No. 162, as per message.

Read first time ; rules suspended ; read second time by title, and placed on file.

Senate Bill No. 199, as per message.

Read first time; rules suspended; read second time by title, and placed on file.

Senate Bill No. 223, as per message.

Read first time; rules suspended; read second time by title, and placed on file.

Senate Substitute for Assembly Bill No. 74, as per message.

Read first time; rules suspended; read second time by title, and placed on file.

#### GENERAL FILE.

Senate Bill No. 85, entitled "An Act supplementary to an Act in relation to the Surveyor General."

Amendments of Committee adopted.

Bill read third time and passed:

YEAS—Messrs. Barney, Bowman, Brown, Burson, Coburn, Davis, Doolin, Ford, Gray, Hillyer, King, Mayhugh, Mills, Moody, Randall, Rule, Shakspeare, Shimmin, Tennant, Welch, Wright, and Mr. Speaker—22.

NAYS—Messrs. Anderson, Bunker, Burlingame, Cleveland, Dangberg, Lammon, Moulton, Scott, Small, and Woodworth—10.

#### SPECIAL ORDER FOR ELEVEN A. M.

Senate Bill No. 228, entitled "An Act to amend an Act supplementary to an Act defining the Duties of the State Treasurer," approved February 2d, 1866, approved March 1, 1869.

Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Lammon, Mayhugh, Mills, Moody, Moulton, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—30.

#### REPORT OF COMMITTEE ON WAYS AND MEANS.

*Mr. Speaker:*

Your Standing Committee on Ways and Means, to whom was referred Senate Bill No. 209, "An Act to provide revenue for the support of the State government," report the same back to the House and recommend its passage.

THOS. J. TENNANT,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Select Committee, composed of the Humboldt delegation, to whom was referred Senate Bill No. 145, entitled "An Act for the Relief of James D. Minor," beg leave to report from the majority of such delegation that they have had the same under consideration, and recommend that the same do pass.

J. M. WOODWORTH,  
T. W. RULE.

*Mr. Speaker:*

As a member of your Special Committee, who have had under consideration Senate Bill No. 145, entitled "An Act for the Relief of James D. Minor," I have come to an unfavorable conclusion thereon, for the reason that there has not been any evidence adduced before the Committee that Mr. Minor has any unsettled claim against Humboldt County, and recommend that it do not pass.

R. H. SCOTT.

Senate Bill No. 145, entitled "An Act for the Relief of James D. Minor."  
Read third time and passed:

YEAS—Messrs. Anderson, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Lammon, Moulton, Richardson, Rule, Shimmin, Small, Tennant, Waller, Welch, Woodworth, and Mr. Speaker—26.

NAYS—Mr. Scott—1.

COMMUNICATION FROM SECRETARY OF STATE.

STATE OF NEVADA, OFFICE OF SECRETARY OF STATE, }  
CARSON CITY, March 4th, 1869. }

*To the Assembly of Nevada:*

GENTLEMEN—I have the honor to transmit herewith Assembly Bill No. 78, entitled "An Act to Restrict Gaming," together with the objections of the Governor thereto, the same having been deposited in my office on March 3d, 1869, after the adjournment of your honorable body.

Very respectfully,

C. N. NOTEWARE,

Secretary of State.

Assembly Bill No. 78 and veto message made the Special Order for to-day at one o'clock, P.M.

Senate Bill No. 199, entitled "An Act supplementary to an Act entitled 'An Act relating to Elections,' etc., approved March 9, 1866."

Rules suspended.

Read third time.

Mr. Bowman moved to indefinitely postpone the bill.

Upon which the ayes and noes were called for by Messrs. Woodworth, Mayhugh, and Hillyer.

And motion lost.

YEAS—15.

NAYS—19.

Mr. Bowman moved that the bill be referred to a Special Committee of One, with instructions to amend as follows:

ADDITIONAL SECTION.

"Any person who shall drink or cause to be drank, on the day of any general or special election, any spirituous or malt liquors, shall be deemed guilty of a

misdemeanor, and on conviction thereof, shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and shall forfeit his right of suffrage.

Motion lost.

Roll called and bill passed :

YEAS—Messrs. Barney, Brown, Burson, Burlingame, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moulton, Potter, Richardson, Scott, Shimmin, Tennant, Woodworth, Wright, and Mr. Speaker—23.

NAYS—Messrs. Anderson, Bowman, Bunker, Clark, Cleveland, Coburn, Doolin, Lammon, Mayhugh, Moody, Randall, Rule, Shakspeare, Small, Waller, and Welch—16.

Senate Substitute No. 214 for Assembly Bill No. 74, entitled "An Act to amend an Act entitled 'An Act to grant the Right of Way to construct a Toll Road from Virginia City to Truckee Meadows and Steamboat Valley, in Storey and Washoe Counties,' approved November 29th, 1861."

Rules suspended.

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—34.

NAYS—Messrs. Clark, Doolin, and Waller—3.

Senate Bill No. 223, entitled "An Act authorizing the Transfer of certain Records and Suits of Lander County to the County Seat of White Pine County."

Rules suspended.

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, King, Lammon, Mills, Moody, Moulton, Richardson, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Wright, and Mr. Speaker—28.

Senate Concurrent Resolution No. 242, relative to election of Board of Regents.

Read and adopted.

Substitute for Senate Bill No. 162, entitled "An Act to amend 'An Act concerning Courts of Justice of this State and Judicial Officers,' approved January 26th, 1865."

Rules suspended.

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moody, Moulton, Randall, Richardson, Scott, Shakspeare, Shimmin, Tennant, Waller, Welch, Woodworth, Wright, and Mr. Speaker—30.



Senate Bill No. 150, entitled "An Act to provide for the Formation of Corporations for the accommodation and Investment of Funds and Savings."

Rules suspended.

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Clark, Coburn, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Mills, Moulton, Potter, Shakspeare, Welch, and Wright—21.

NAYS—Messrs. Corbett, Dangberg, Hanford, Scott, Small, Woodworth, and Mr. Speaker—7.

#### REPORT OF COMMITTEE ON WAYS AND MEANS.

*Mr. Speaker :*

Your Standing Committee on Ways and Means, to whom was referred Senate Bill No. 210, "An Act making Appropriations for the Support of the Civil Government," have had the same under consideration and report the same back to the House with recommendation that it do pass, with the following amendment to be inserted after the last specified appropriation :

"For the purpose of paying any deficiencies in the contingent funds of the Senate and Assembly, to be paid out on the scrip issued by the Sergeants-at-Arms of the two Houses, two thousand dollars."

THOS. J. TENNANT,  
Chairman.

Senate Bill No. 210, as per report of Committee on Ways and Means.  
Amendments of Committee adopted.

On motion, the House considered itself in Committee of the Whole, Mr. Speaker in the chair, for the consideration of the bill.

In time the Committee rose, reported the bill back to the House amended, and recommending its passage as amended.

On motion of Mr. Hillyer, the Chairman of the Committee on Ways and Means was instructed to insert the amendments as adopted by the Committee of the Whole.

The Chairman of the Committee on Ways and Means reported the amendments correctly made.

Roll called and bill passed :

YEAS—Messrs. Anderson, Barney, Bowman, Burson, Burlingame, Cleveland, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Richardson, Rule, Scott, Shakspeare, Shimmie, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—33.

On motion of Mr. Woodworth, at 1:10 minutes P.M. the House took a recess until 2 o'clock P.M.

In session—2 o'clock P.M.  
Quorum present.

## RESOLUTION BY LEAVE.

By Mr. Hillyer:

*Resolved*, That the thanks of this House be tendered to the Rev. Mr. Allen for his exceedingly able and interesting sermon, delivered to the Legislature last evening, and that he be requested to furnish a copy of the same to the *Territorial Enterprise* for publication.

Adopted.

## REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker:*

Your Standing Committee upon Enrollment beg leave to report the following bills as correctly enrolled and presented to the Governor this day:

Assembly Bill No. 143, "An Act to amend 'An Act to Tax and Regulate Foreign Insurance Companies.'"

Also, Assembly Bill No. 170, "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled 'An Act for the Encouragement of Mining,' approved February 24, 1864."

Also, Assembly Bill No. 142, "An Act to incorporate Shermantown, Lander County."

Also, Joint Resolution No. 14, "Proposal to amend the Constitution."

And have this day filed the same with the Secretary of State.

Also, Assembly Bill No. 136, "An Act to provide for the Payment of the Claim of A. W. Nightingill."

CHAS. D. KING,  
Chairman.

STATE OF NEVADA,

To C. N. NOTEWARE, DR.

To Enrolling for Assembly as follows:

Bill No. 1,	9 folios.
" 7,	3 "
" 10,	11 "
" 12,	4 "
" 18,	16 "
" 22,	14 "
" 23,	4 "
" 45,	6 "
" 4,	10 "
" 25,	4 "
" 34,	5 "
" 35,	4 "
" 36,	13 "
" 50,	48 "
" 120,	17 "
" 64,	3 "
5 resolutions,	20 "
Bill No. 29,	800 "
" 16,	15 "
" 38,	10 "
" 124,	5 "
" 13,	10 "
" 76,	5 "
" 77,	10 "
" 165,	4 "
" 108,	12 "
Res. No. 39,	3 "
Bill No. 53,	50 "
" 59,	6 "
" 148,	5 "
" 111,	20 "
" 75,	5 "
" 129,	5 "
" 37,	5 "
" 53,	12 "
" 112,	4 "
Rev'ue Bill,	
re-enr'ed,	12 "

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 STATE OF NEVADA. }  
 SECRETARY'S OFFICE. }

I, C. N. Noteware, Secretary of State of the State of Nevada, certify the foregoing to be just and correct—that the work has been performed, and that no part of the same has been paid.

C. N. NOTEWARE,  
 Secretary of State.

*Mr. Speaker :*

We, your Committee upon Enrollment, do hereby certify that the above amount is correct and due the Secretary of State for enrolling, and would recommend that the following resolution do pass.

CHAS. D. KING,  
S. C. WRIGHT,  
F. W. RANDALL.

*Resolved,* That the Sergeant-at-Arms be and he is hereby authorized to draw his scrip for one hundred and seventy-eight dollars and thirty-five cents in favor of C. N. Noteware, for services as Enrolling Clerk.

Made Special Order for 1 P.M.

#### RESOLUTIONS.

By Mr. Woodworth :

*Resolved,* That the Sergeant-at-Arms be allowed two days' extra pay for returning to the Secretary of State the property in his possession belonging to the State.

Adopted.

By Mr. Gray :

*Resolved,* That the Sergeant-at-Arms is hereby authorized and required to pay out of the Contingent Fund of the Assembly not exceeding an amount of fifty dollars, to the Secretary of State, to enable him to employ a sufficient number of clerks to insure the enrollment of all bills passed between this and the close of the present session.

Adopted.

Mr. Corbett, by leave, introduced proposed amendment No.      to the Constitution of the State of Nevada, relative to striking out of Section 3 of Article IX, the word "three," and inserting in lieu thereof the word "nine."

On motion of Mr. Mills, Mr. Corbett was appointed a Special Committee of One, with instructions to amend the proposed amendment so as to strike out all that portion of the Constitution of the State limiting the State indebtedness.

On motion of Mr. Hillyer, a call of the House was ordered.

Roll called.

Absent—Messrs. Burson, Davis, Moody, Moulton, Shakspeare, and Tennant.

#### RESOLUTION.

By Mr. Gray :

*Resolved,* That at any call of the House this day no person shall be excused except those engaged on Committees. All other absentees shall pay a fine of one dollar to the Sergeant-at-Arms.

Adopted.

Messrs. Coburn and Moulton appearing at the bar of the House were admitted, upon the payment of one dollar to the Sergeant-at-Arms.

Mr. Shakspeare appearing at the bar of the House was admitted, upon the payment of the fine imposed.

Mr. Burson appearing at the bar was admitted, upon the payment of the fine imposed.

On motion of Mr. Hillyer, the further call of the House was dispensed with, except so far as it relates to Messrs. Moody and Tennant.

MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, March 3d, 1869.

*To the Hon. Assembly of Nevada:*

I have this day approved the following Assembly Bills:

No. 112, "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,'" approved March 9th, 1865,' approved March 11th, 1867."

No. 108, "An Act for the Erection of a State Orphan's Home and to provide for the same."

H. G. BLASDEL,  
Governor.

RESOLUTIONS.

By Mr. Ford:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby directed to pay out of the Assembly Contingent Fund the sum of one hundred and twenty (120) dollars each to George Ross, W. F. Markley, and B. F. Bartlett, or their assigns, on the surrender to him of the said scrip of 1867, as issued by the Sergeant-at-Arms of 1867, aforesaid, and the affidavit of loss of said scrip by said B. F. Bartlett.

By Mr. Mayhugh:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby ordered to pay out of the Assembly Contingent Fund to Wm. M. Gillespie the sum of nine dollars per day for the first part of the present session, prior to his appointment as Reporting Clerk, for his services in making gratis reports of the House proceedings for the Carson *Appeal*, and for drawing up reports and papers for Committees.

*Resolved*, That the appointment of T. M. Carson, as Committee Clerk, date from the fourth day of January to the sixteenth of the same month, and the Sergeant-at-Arms is hereby authorized to draw his scrip for the same.

On motion of Mr. Hillyer, all the bills on the Contingent Fund were referred to the Committee on Contingent Expenses, and the same made the special order for this evening at 7 o'clock P.M.

On motion of Mr. Hillyer, the Clerk was instructed to insert the enacting clause in Assembly Bill No. 164 and transmit the same to the Senate.

MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, March 3d, 1869.

*To the Hon. Assembly of Nevada:*

I herewith return to your honorable body Assembly Bill No. 78, entitled "An Act to restrict Gaming," without approval.

This bill provides that any person may procure a license for carrying on any

of the following games, viz: "Faro, monte, roulette, lansquenet, rouge et noir, rondo, or any banking game played with cards, dice, or other device," enacting no penalties whatever against any other species of gambling, and punishing only the carrying on of the games specified *when not licensed*. It is plainly to be seen, therefore, that this bill is for an Act to legalize all banking games, exempt all other gambling from any penalties whatever, thus giving to the whole business the sanction of the law, protection of the State, and, as far as possible, the countenance of the public.

I know of no greater vice than gambling. It is against public morals. It saps the very foundations of society. It induces intemperance. It begets idleness. It fosters immorality. It multiplies crime. It leads to reckless extravagance, and unfits its unhappy victim for any position of business usefulness. In short, it is the root of all evils—the highway that leads to immorality and crime. For centuries it has been the aim and effort of Christian men and women to uproot and destroy it; and to-day, I believe, there is not a State in this Union whose criminal statutes do not pronounce it a crime and punish it with heavy penalties.

As the Executive of this State, I cannot approve a measure which sanctions a practice so universally disapproved, and which inaugurates an innovation so pointedly condemned by the experience of the past.

H. G. BLASDEL,  
Governor.

Assembly Bill No. 78, as per message of the Governor, taken up.

The question being: Shall the bill pass, notwithstanding the objections of the Governor?

Roll called and bill passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Clark, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Randall, Richardson, Shimmin, Small, Waller, Welch, Woodworth, Wright, and Mr. Speaker—29.

NAYS—Messrs. Anderson, Burlingame, Cleveland, Moody, Moulton, Scott, and Shakspeare—7.

#### MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
Carson City, March 4th, 1869. }

*To the Hon. Assembly of Nevada:*

I herewith return to your honorable body Assembly Substitute for Senate Bill No. 165 entitled "An Act for the relief of James S. Slingerland, Warden of the State Prison," without approval.

This bill is for an Act to legalize and authorize the payment to James S. Slingerland of claims for losses of money and property belonging to him at the time of and by the fire at the State Prison, May 1st, 1867.

I know of no circumstance to distinguish the case provided for in the bill from the ordinary case of loss by fire. I cannot, therefore, sanction a measure which establishes the dangerous and unwise precedent of paying the losses of citizens of the Commonwealth, occasioned by fire, out of the State Treasury, and therefore return it for your further action.

H. G. BLASDEL,  
Governor.

Senate Bill No. 165, as per veto message of the Governor, taken up.

The question being: Shall the bill pass, notwithstanding the objections of the Governor?

Roll called and bill passed:

YEAS—Messrs. Barney, Brown, Bunker, Burlingame, Coburn, Dangberg, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Rule, Shakspeare, Small, Welch, Woodworth, Wright, and Mr. Speaker—27.

NAYS—Messrs. Anderson, Bowman, Burson, Clark, Cleveland, Corbett, Davis, Moulton, Scott, Shimmin, and Waller—11.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 4th, 1869.

*To the Hon. the Assembly:*

I transmit herewith, for your action, Senate Bill No. 246, "An Act to pay Deficiencies in the Contingent Funds of the Senate and Assembly."

Also return to your honorable body Assembly Bill No. 152, "An Act to amend an Act entitled 'An Act to further amend an Act entitled "An Act to provide Revenue for the Support of the Government of the State of Nevada," approved March 1st, 1866,' " the same having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,

Ass't Sec'y Senate.

Senate Bill No. 246, as per message.

Read first time; rules suspended; read second time by title; rules further suspended; read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Potter, Rule, Scott, Shakspeare, Waller, Woodworth, Wright, and Mr. Speaker—28.

NAYS—Messrs. Lammon, Moulton, Shimmin, Small, and Tennant—5.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 4th, 1869.

*To the Hon. the Assembly:*

I herewith transmit, for your consideration, Senate Bill No. 203, "An Act concerning Compensation of Jurors," the same having this day passed the Senate.

Also, Senate Bill No. 154, "An Act to authorize the Commissioners of Washoe County to issue Bonds in aid of the Construction of a Railroad from Carson City to the Central Pacific Railroad," the same having this day passed the Senate.

I also return to your honorable body Assembly Bill No. 119, "An Act for the relief of John A. Collins," the same having this day passed the Senate.

I also inform your honorable body that the Senate have this day concurred in Assembly amendment to Senate Concurrent Resolution No. 234, relative to leave of absence of the Lieutenant-Governor.

Respectfully,

CHAS. F. BICKNELL,

Ass't Sec'y Senate

Senate Bill No. 203, as per message.

Read first time; rules suspended; read second time by title; rules further suspended; read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Moody, Moulton, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, and Wright—29.

NAYS—Messrs. Doolin and Lammon—2.

Senate Bill No. 154, as per message.

Read first time; rules suspended; read second time by title; rules further suspended; read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Davis, Doolin, Gray, Hanford, Hanson, Mayhugh, Mills, Moody, Moulton, Rule, Shakspeare, Welch, Woodworth, Wright and Mr. Speaker—24.

NAYS—Messrs. Shimmin and Waller—2.

#### REPORT OF JUDICIARY COMMITTEE.

*Mr. Speaker:*

The Judiciary Committee report favorably Senate Bill No. 183.

C. J. HILLYER,  
Chairman.

On motion, the consideration of the General File was resumed.

Senate Bill No. 39, entitled "An Act supplementary to an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada, approved March 9th, 1865,' and the Acts amendatory thereof."

Read third time, and made the special order for this evening at 7:30.

Senate Bill No. 58, entitled "An Act to provide for the liquidation and payment of certain Claims against the City of Virginia."

Read third time, and made the special order for 8 o'clock P.M. to-day.

Senate Bill No. 191 entitled "An Act for the relief of S. H. Marlette.

Read third time and passed:

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Burlingame, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, and Mr. Speaker—31.

Senate Bill No. 209, entitled "An Act to amend an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada,' approved March 9th, 1865."

Read third time and passed:

YEAS—Messrs. Barney, Brown, Bunker, Coburn, Corbett, Dangberg, Davis, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Moulton, Randall, Scott, Shimmin, Small, Woodworth, and Mr. Speaker—22.

NAYS—Messrs. Bowman, Doolin, Ford, Shakspeare, Waller, and Welch—6.



Resolution by Mr. Moody, by leave :

WHEREAS, The constituency represented in part by Thomas J. Tennant is denied a voice and vote in this House by the unconstitutional demand of a money qualification ; therefore, be it

*Resolved*, That the said Thomas J. Tennant be admitted to his seat without the enforcement of paying a fine, providing he make a good excuse for his absence.

Mr. Woodworth moved to lay the resolution on the table.

Carried.

Mr. Doolin moved to rescind the resolution imposing a fine upon absent members.

Lost.

Senate Bill No. 131, entitled "An Act to amend an Act entitled 'An Act to create the office of State Printer, define the Duties and Compensation thereof, and provide the Time and Manner of Election,' approved January 10th, 1865."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burson, Burlingame, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moody, Potter, Richardson, Rule, Shakspeare, Shimmin, Small, Waller, Welch, Woodworth, and Wright—29.

The Committee on Contingent Expenses presented two reports on Contingent Bills.

Reports placed on file.

WHEREAS, Thomas J. Tennant, Chairman of the Committee on Ways and Means, has made it known to several members of this House that he desires to report back to this House a bill from said Committee on Ways and Means ; and

WHEREAS, Said Bill is one of great importance, affecting the interests of every part of the State ; therefore, be it

*Resolved*, That Mr. Tennant be admitted to his seat and make said report.

Adopted.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report that the following bills are correctly enrolled, and have this day filed the same with the Secretary of State :

Assembly Concurrent Resolution No. 18, relative to granting leave of absence to his Excellency Gov. H. G. Blasdel.

Also, Assembly Concurrent Resolution No. 39, granting leave of absence to R. A. Frasier.

CHAS. D. KING,  
Chairman.

#### REPORT OF COMMITTEE ON WAYS AND MEANS.

*Mr. Speaker :*

Your Standing Committee on Ways and Means, to whom was referred Assembly Bill, "An Act to further prescribe the Duties of State Mineralogist," have

had the same under consideration, have come to an unfavorable conclusion thereon, and report the bill back with the recommendation that it do not pass.

THOS. J. TENNANT,  
Chairman.

Senate Bill No. 50, entitled "An Act to amend an Act entitled 'An Act to provide revenue for the government of the State of Nevada.'"

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Clark, Cleveland, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Lammon, Mills, Moody, Richardson, Rule, and Tennant—23.

NAYS—Messrs. Mayhugh and Woodworth—2.

Senate Bill No. 230, entitled "An Act making Appropriations for Deficiencies in the Third and Fourth Fiscal Years."

Read third time and passed :

YEAS—Messrs. Anderson, Barney, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Moulton, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—35.

NAYS—Mr. Potter—1.

Senate Bill No. 183, entitled "An Act supplementary to and amendatory of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," passed the Senate and Assembly at the regular session, A. D. 1869.

Made the special order for 8 o'clock this evening.

Assembly Bill No. 169, entitled "An Act to further prescribe the Duties of the State Mineralogist."

On motion of Mr. Hillyer, indefinitely postponed.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 4th, 1869. }

*To the Hon. the Assembly :*

I am instructed to inform your honorable body that Assembly Bill No. 78, "An Act to restrict Gaming," the same having this day passed the Senate, notwithstanding the objections of the Governor, by the following vote :

YEAS—15.

NAYS—4.

Also, Assembly Substitute for Senate Bill No. 165, "An Act for the relief of James S. Slingerland, Warden of State Prison," the same having passed the Senate this day, notwithstanding the objections of the Governor, by the following vote :

YEAS—16.

NAYS—4.

I also transmit for the consideration of your honorable body Senate Bill No. 247, "An Act to amend an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada,' approved March 9th, 1865," the same having this day passed the Senate.

Also, Senate Concurrent Resolution, relative to vote of thanks to Messrs. Hillyer, Bonnifield, DeLong, and Welty, the same having passed the Senate this day.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

Senate Bill No. 247, as per message.  
Read third time.

On motion of Mr. Doolin, at 5:16 minutes P.M. the House took a recess to 6 o'clock P.M.

### EVENING SESSION.

Six o'clock P. M.

On motion of Mr. Burlingame, Mr. Hillyer took the chair.

Quorum present.

On motion of Mr. Small, a call of the House was ordered.

Roll called.

Absent—Messrs. Anderson, Bunker, Clark, Cleveland, Dangberg, King, Lammon, Mayhugh, Mills, Moody, Randall, Rule, Tennant, Waller, and Mr. Speaker.

On motion of Mr. Burlingame, a fine of one dollar was imposed upon the absentees.

Mr. Dangberg appearing at the bar of the House, was admitted and excused upon the payment of the fine imposed.

On motion of Mr. Woodworth, the further proceedings under the call were dispensed with.

### IN JOINT CONVENTION.

#### PROCEEDINGS OF JOINT CONVENTION TO ELECT A STATE BOARD OF REGENTS.

The Convention was called to order by the President of the Senate, in conjunction with the Speaker of the House.

The roll of the Senate and also of the Assembly were called, and all the members were present except Messrs. Haines, Monroe, Clark, and Moody.

Mr. Hillyer nominated H. G. Blasdel, C. N. Noteware, and A. N. Fisher.

Mr. Edwards nominated Mr. H. F. Rice.

Mr. Hall nominated Mr. C. C. Batterman.

Mr. Hastings nominated Mr. August Koneman.

Mr. Small seconded the nominations as made by Mr. Hillyer.

On motion of Mr. Tritle, the nominations were closed.

Mr. Hillyer moved that the roll be called, and that each member as their names be called name three persons for the office, and that the three persons receiving majorities of all the votes cast be declared elected.

Carried.

Roll called, and those voting for H. G. Blasdel were :

Messrs. Abraham, Eastman, Linn, Mason, Wilson, Bunker, Burlingame, Cleveland, Corbett, Dangberg, Doolin, Hillyer, Potter, Scott, Shimmin, Small, and Tennant—17.

Those voting for C. N. Noteware were :

Messrs. Abraham, Brown, Eastman, Grey, Linn, Mason, Stevenson, Wilson, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Corbett, Dangberg, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moulton, Potter, Randall, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Welch, Wright, and Mr. Speaker—38.

Those voting for A. N. Fisher were :

Messrs. Abraham, Brown, Eastman, Grey, Linn, Shamp, Stevenson, Tritle, Anderson, Bowman, Bunker, Burson, Burlingame, Corbett, Davis, Hanford, Moulton, Potter, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Waller, Woodworth, and Mr. Speaker—27.

Those voting for H. F. Rice were :

Messrs. Bonnifield, Edwards, Grey, Hall, Hastings, Hazard, Hurd, Mason, Mullen, Shamp, Tritle, Welty, Wilson, Anderson, Barney, Burson, Coburn, Davis, Doolin, Ford, Gray, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moulton, Richardson, Rule, Shakspeare, Waller, Woodworth, and Wright—34.

Those voting for C. C. Batterman were :

Messrs. Bonnifield, Brown, Edwards, Hall, Hastings, Hazard, Hurd, Mullen, Shamp, Stevenson, Tritle, Welty, Anderson, Barney, Brown, Cleveland, Coburn, Doolin, Gray, Hanford, Hanson, Lammon, Mayhugh, Mills, Randall, Richardson, Rule, Welch, Wright, and Mr. Speaker—38 [30].

Those voting for August Koneman were :

Messrs. Bonnifield, Edwards, Hall, Hastings, Hazard, Hurd, Mullen, Welty, Barney, Bowman, Brown, Dangberg, Ford, King, Lammon, Randall, Rule, Welch, and Woodworth—19.

The President of the Convention declared that C. N. Noteware, H. F. Rice, and C. C. Batterman had each received a majority of all the votes cast, and were duly elected members of the State Board of Regents.

On motion of Mr. Edwards the Convention adjourned *sine die*.

In House.

On motion of Mr. Woodworth, a call of the House was ordered.

Roll called.

Absent—Messrs. Clark and Moody.

On motion of Mr. Hillyer, the further call of the House was dispensed with.

The question recurring upon the passage of Senate Bill No. 247.

Mr. Potter moved to amend as follows :

*"Provided, that all expense of sinking main shafts, or running main tunnels, shall not be considered as actual expense in extracting ore."*

Upon motion to adopt, the ayes and noes were called for by the requisite number, and lost.

YEAS—16.

NOES—21.

The previous question was called for by the requisite number and sustained.

Roll called and bill passed :

YEAS—Messrs. Anderson, Bowman, Brown, Burson, Burlingame, Coburn, Corbett, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Lammon, Mayhugh, Mills, Moody, Randall, Richardson, Rule, Shakspeare, Tennant, Welch, and Woodworth—26.

NAYS—Messrs. Barney, Bunker, Cleveland, Dangberg, Moulton, Potter, Scott, Shimmin, Small, Wright, and Mr. Speaker—11.

#### SPECIAL ORDER FOR 7 P.M.

Postponed temporarily.

Mr. Tennant moved that a Committee of One be appointed to wait upon the Governor and notify him that the House would adjourn at 12 o'clock, midnight.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 4th, 1869. }

*To the Hon. the Assembly:*

I herewith transmit, for your consideration, Senate Bill No. 211, "An Act to further provide for the Selection and Sale of Lands granted by the United States to the State of Nevada."

Also, Substitute Senate Bill No. 206, "An Act to amend an Act entitled 'An Act to Re-district the State,' approved February 27, 1869."

Also, Senate Concurrent Resolution No. 244, relative to distributing Reports of the Surveyor General.

The above bills having this day passed the Senate.

I also return to your honorable body Assembly Bill No. 161, "An Act to amend an Act entitled 'An Act to amend Section 58 of an Act entitled "An Act to provide Revenue for the Support of the Government of the State of Nevada," approved March 9th, 1865; approved March 12th, 1867,' " the same having this day passed the Senate.

Also, Assembly Joint Resolution No. 157, the same having this day been rejected by the Senate.

I also inform your honorable body that the Senate have this day concurred in Assembly amendments to Senate Bill No. 155, "An Act to authorize certain parties to supply the Towns of Hamilton, Treasure City, White Pine City, and vicinities with Water."

Respectfully,

CHAS. F. BICKNELL,  
Ass't Secretary Senate.

Senate Bill No. 211, as per message.

Read first time ; rules suspended ; read second time by title.

Rules further suspended.

Read third time.

The previous question was called for and sustained.

The question being on the final passage of the bill.

Roll called and bill lost :

YEAS—Messrs. Barney, Bowman, Bunker, Corbett, King, Moulton, and Potter—7.

NAYS—Messrs. Brown, Burson, Burlingame, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, Mayhugh, Mills, Moody, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—26.

Mr. Mayhugh, by leave, introduced Assembly Joint Resolution No. , relative to Joint Rule No. 15 of the Senate and Assembly.

Read, and adopted unanimously.

#### SPECIAL ORDER FOR 7:30 P.M.

Senate Bill No. 39, "An Act supplementary to an Act entitled 'An Act to provide Revenue for the Support of the Government of the State of Nevada,' approved March 9th, 1865, and the Acts amendatory thereof."

Rules suspended.

Read third time and passed :

YEAS—Messrs. Barney, Bowman, Brown, Burson, Burlingame, Coburn, Corbett, Davis, Doolin, Ford, Hanford, Hanson, Hillyer, King, Mills, Moody, Randall, Richardson, Shakspeare, Shimmin, Small, Tennant, Welch, Wright, and Mr. Speaker—25.

NAYS—Messrs. Bunker, Cleveland, Dangberg, Moulton, Potter, and Scott—6.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report as correctly enrolled the following Assembly Bills, and this day presented to the Governor for his approval :

Assembly Bill No. 152.	
" " 119.	
" " 120.	
" " 161.	
" " 121.	

CHAS. D. KING,  
Chairman.

Mr. Mayhugh introduced Assembly Concurrent Resolution No. , relative to adjournment at 12 o'clock, midnight.

Read and adopted.

## SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, March 4th, 1869. }

*To the Honorable the Assembly :*

I herewith return to your honorable body Substitute for Assembly Bill No. 27, "An Act to authorize the County of Storey to pay a certain Bond," the same having this day passed the Senate.

Also, Assembly Bill No. 95, "An Act to provide for the Payment of the Claim of John W. Keller against the City of Virginia," with the following amendments : In Section 1, line 16, strike out "seventeen" and insert "fifteen."

In Section 2, line 14, strike out the word "seventeen" and insert "fifteen."

The same having this day passed the Senate as amended.

I also transmit, for the consideration of your honorable body, Senate Bill No. 139, "An Act to provide for the Incorporation of Towns and Cities for Municipal Purposes, and prescribing their Duties and Powers."

Also, Senate Concurrent Resolution No. 216, relative to Uniting the Postal and Telegraph Interests in the United States.

The above bills having this day passed the Senate.

I also return to your honorable body Assembly Joint Resolution No. 31, relating to the Walker River Indian Reservation, in Esmeralda County.

Also, Assembly Joint Resolution No. 156, relative to Congressional aid for rendering the Colorado River navigable, and for a railroad in Eastern Nevada.

Also, Assembly Concurrent Resolution No. 35, relative to mail service from Belmont, Nye County, to Shermantown, White Pine County, in this State.

All of the above resolutions having this day passed the Senate.

I also return Assembly Bill No. 19, "An Act to Protect the Rights of Stockholders in Mines and Mining Claims," the same having this day been indefinitely postponed by the Senate.

I also inform your honorable body that the Senate this day concurred in Assembly amendments to Senate Bill No. 210, "An Act making Appropriations for the Support of the Civil Government of the State of Nevada for the Fifth and Sixth Fiscal Years."

Respectfully,

CHAS. F. BICKNELL,  
 Ass't Secretary Senate.

Senate Concurrent Resolution No. 248, as per message.

Read, and adopted unanimously.

Senate Bill No. 206, as per message.

Rules suspended; read third time, and referred to the Judiciary Committee.

Senate amendments to Assembly Bill No. 95.

Concurred in by the following vote :

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Coburn, Corbett, Dangberg, Davis, Doolin, Ford, Hanford, Hanson, King, Lammon, Mills, Moody, Randall, Richardson, Scott, Shakspeare, Shimmin, Small, Welch, and Mr. Speaker—26.

NAYS—Messrs. Cleveland and Potter—2.

Senate Bill No. 139, as per message.  
Rules suspended; read third time, and lost:

YEAS—Messrs. Anderson, Barney, Brown, Burson, Burlingame, Corbett, Davis, Gray, Hanford, Hillyer, Moody, Richardson, Rule, Shimmin, Small, Welch, Woodworth, and Mr. Speaker—18.

NAYS—Messrs. Bowman, Bunker, Cleveland, Coburn, Dangberg, Doolin, Ford, Hanson, King, Mills, Moulton, Potter, Randall, Scott, Shakspeare, and Wright—16.

Substitute Senate Bill No. 206, reported from Judiciary Committee; its passage recommended.

Roll called and bill passed:

YEAS—Messrs. Anderson, Barney, Bowman, Bunker, Burson, Burlingame, Cleveland, Davis, Ford, Gray, Hanford, Hanson, Hillyer, King, Mills, Moody, Moulton, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Welch, Woodworth, Wright, and Mr. Speaker—29.

Senate Concurrent Resolution No. 244, as per message.  
Read and adopted.

Senate Concurrent Resolution No. 216, as per message.  
Read and indefinitely postponed.

#### REPORT OF SPECIAL COMMITTEE.

*Mr. Speaker:*

Your Special Committee, to whom was referred Senate Concurrent Resolution No. 193, have had the same under consideration, have come to a favorable conclusion thereon, report the same back, recommending its passage.

J. M. WOODWORTH,  
T. W. RULE,  
R. H. SCOTT.

Senate Concurrent Resolution No. 193, relative to stationing more United States troops at Camp McDermit.  
Read third time and passed:

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Bunker, Burson, Burlingame, Cleveland, Coburn, Dangberg, Davis, Doolin, Ford, Gray, Hanford, Hanson, Hillyer, King, Mayhugh, Mills, Moody, Potter, Randall, Richardson, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—34.

Special Order postponed temporarily.

Mr. Tennant, by leave, introduced Assembly Bill No. —, entitled "An Act to provide for the Publication of the Laws and Resolutions passed at the Fourth Session."

Read first time; rules suspended; read second time by title, and referred to a Special Committee consisting of Messrs. Tennant, Hillyer, and Mayhugh.



## SPECIAL ORDER FOR EIGHT O'CLOCK.

Senate Bill No. 58, entitled "An Act to provide for the Liquidation and Payment of certain Claims against the City of Virginia."

Read third time and passed :

YEAS—Messrs. Anderson, Bunker, Burson, Cleveland, Coburn, Corbett, Davis, Doolin, Gray, King, Lammon, Mayhugh, Mills, Moody, Moulton, Potter, Randall, Rule, Scott, Shakspeare, Shimmin, Small, Tennant, Welch, Woodworth, Wright, and Mr. Speaker—27.

NAYS—Messrs. Barney, Bowman, Brown, Burlingame, Dangberg, Ford, Hillyer, and Richardson—8.

Mr. Mills was granted leave of absence for one-half hour.

The Select Committee reported back Assembly Bill No. —, entitled "An Act to provide for the publication of the Laws and Resolutions of the Fourth Session, recommending its passage.

Rules suspended ; bill considered engrossed ; read third time, and passed :

YEAS—Messrs. Barney, Bowman, Brown, Burlingame, Cleveland, Coburn, Ford, Hanson, Hillyer, King, Mayhugh, Moody, Potter, Randall, Richardson, Rule, Small, Tennant, Welch, and Wright—20.

NAYS—Messrs. Anderson, Burson, Davis, Doolin, Gray, Scott, Shimmin, and Mr. Speaker—8.

## SPECIAL ORDER FOR EIGHT O'CLOCK.

Senate Bill No. 183, "An Act supplementary to and amendatory of 'An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto,' passed the Senate and Assembly at the regular session, A.D. 1869.

Read third time and lost :

YEAS—Messrs. Anderson, Barney, Brown, Burlingame, Coburn, Hanson, Hillyer, King, Mayhugh, Richardson, Rule, Tennant, and Mr. Speaker—13.

NAYS—Messrs. Bowman, Bunker, Cleveland, Corbett, Dangberg, Davis Doolin, Ford, Gray, Hanford, Potter, Randall, Scott, Shakspeare, Shimmin, Small, Welch, and Mr. Woodworth—18.

## SPECIAL ORDER.

## REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

## RESOLUTION.

By Mr. Doolin, by leave :

*Resolved*, That the Committee Clerks of this House be and they are hereby allowed their per diem from the commencement of the session.

Laid on the table.

*Mr. Speaker :*

Your Committee on Contingent Expenses have had the following bills, viz :

E. B. Rail.....	\$ 20 75
Aug. Ash.....	84 50
E. A. Davis.....	21 50
O. Greenebaum.....	3 75
E. D. Sweeney.....	9 00
J. Best.....	24 00
C. N. Noteware.....	178 35
	<hr/>
	\$341 85

under consideration, and find the same correct and recommend that they be allowed, and the Sergeant-at-Arms be authorized to pay the above-named claims.

A. K. POTTER,  
Chairman.  
J. L. RICHARDSON,  
A. C. CLEVELAND,  
THOS. C. FORD,  
E. CLARK.

Adopted.

*Mr. Speaker :*

Your Committee on Contingent Expenses have had under consideration the following named bills:

P. H. Clayton, for extra fires, etc.....	\$34 50
Rabbitts and Mike Stewart, for extra fires.....	25 00

also, resolutions, and beg leave to report back to the House without recommendation.

A. K. POTTER,  
Chairman.  
THOS. C. FORD,  
E. CLARK,  
J. L. RICHARDSON.

Adopted.

Mr. Hillyer moved that the balance of the money in the Contingent Fund be paid to Wm. M. Gillespie, Reporting Clerk.

Carried.

#### RESOLUTION.

By Mr. Tennant :

*Resolved,* That the sum of one hundred and ninety (\$190.00) dollars be paid out of the Contingent Fund of the Assembly to C. N. Noteware, Secretary of State, to make up the difference between purchases made by him on a coin basis and legal tenders, for the use of the Assembly.

Adopted.

## SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
 Carson City, March 4th, 1869. }

*To the Hon. the Assembly :*

I herewith return to your honorable body, Assembly Bill No. 129, "An Act to provide for the Selection and Sale of the School Lands donated to the State of Nevada," with the following amendments :

In Section 1, first line, strike out the names of D. G. Corbett and A. Kone-man and insert the names of H. F. Rice and B. F. Leet, the same having this day passed the Senate as amended.

I also return to your honorable body Assembly Bill No. 164, "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 1 of an Act to amend an Act passed by the Legislative Assembly of the Territory of Nevada, entitled 'An Act to provide for the appointment of Notaries Public and Define their Duties,' approved February 9, 1864; approved March 20, 1865;'" approved February 9, 1866,'" the same having this day passed the Senate.

I also return Assembly Concurrent Resolution No. , the same having passed the Senate this day.

Also, Senate Concurrent Resolution No. 251, relative to printing one thousand copies of the sermon delivered by Rev. Mr. Allen on March 3d.

I also return Assembly Concurrent Resolution No. 180, relative to adjournment of the Legislature.

The above resolutions having this day passed the Senate.

Respectfully,

CHAS. F. BICKNELL,  
 Ass't Secretary of Senate.

Amendment of the Senate to Assembly Bill No. 129.

The question being on the concurrence of the Assembly.

On motion of Mr. Wright, a call of the House was ordered.

Roll called.

Absent—Messrs. Clark, Cleveland, Moody, and Waller.

On motion of Mr. Mayhugh, the further call of the House was dispensed with.

On motion that the House do not concur in Senate amendments to Assembly Bill No. 129—

Roll called and the House refused to concur.

YEAS—Messrs. Anderson, Barney, Bowman, Brown, Burlingame, Cleveland, Corbett, Dangberg, Davis, Doolin, Ford, Hanford, Hanson, King, Potter, Randall, Scott, Shimmin, Small, Tennant, and Woodworth—21.

NAYS—Messrs. Bunker, Coburn, Gray, Hillyer, Lammon, Mayhugh, Mills, Richardson, Shakspeare, Welch, Wright, and Mr. Speaker—12.

On motion of Mr. Woodworth, Messrs. Bowman, Woodworth, and Hillyer were appointed a Committee of Conference on the bill.

Senate Concurrent Resolution No. 251, as per message.

Read and adopted.

Messrs. Cleveland, Burlingame, and Coburn were appointed a Committee to wait on the Governor to ascertain whether he had any further communications to make to the House.

Assembly Bill No. 88.  
Indefinitely postponed.

Assembly Bill No. 54.  
Indefinitely postponed.

Assembly Bill No. 178.  
Withdrawn.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 4th, 1869. }

*To the Hon. the Assembly:*

I herewith transmit, for your consideration, Senate Concurrent Resolution No. 253, relative to appointing a Committee of Three from each House to wait upon the Governor, etc., the same having passed the Senate this day, and that Messrs. Haines, Linn, and Eastman have been appointed such Committee on the part of the Senate.

I also return to your honorable Assembly Bill No. 128, "An Act to provide for the Issuing and Sale of School Land Warrants," the same having this day passed the Senate.

Respectfully,  
CHAS. F. BICKNELL,  
Ass't Secretary Senate.

#### RESOLUTIONS.

By Mr. Mayhugh:

*Resolved*, That the thanks of the House be and they are hereby tendered to the Hon. D. O. Adkison, Speaker of the House, for the uniform courtesy and dignified ability with which he has presided over the deliberations thereof.

Adopted.

By Mr. Mayhugh:

*Resolved*, That the thanks of the Assembly be and they are hereby tendered to the Chief Clerk, A. Whitford, for the able and gentlemanly manner in which he has discharged the duties of his office; also, to the Assistant Clerk and Assistant Sergeant-at-Arms, Mr. Jacobs.

Adopted.

By Mr. Mayhugh:

*Resolved*, That the thanks of the Assembly be and they are hereby tendered to Augustus Ash, the Sergeant-at-Arms, for his strict attention to the various duties imposed upon him, and for the able and gentlemanly manner in which such duties have been performed by him.

Adopted.

*Resolved*, That the thanks of the House be and the same are hereby extended to Mr. J. S. Mayhugh, our Speaker *pro tem.*, for the able and courteous manner in which he has discharged his duties during the present session.

Adopted.

The Committee of Conference on Assembly Bill No. 129 reported that they had met a like Committee on the part of the Senate, and failed to agree.

On motion, the same Committee were appointed a Committee of Free Conference.

#### RESOLUTION.

*Resolved*, That the thanks of the Assembly be and hereby are tendered Mr. Adam Parker, Journal Clerk, for the prompt and courteous manner in which he has discharged the duties of his office.

Adopted.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Committee upon Enrollment beg leave to report the following bill as correctly enrolled, and this day presented to the Governor for his approval, viz :

Assembly Bill No. 95, "An Act to provide for the Payment of the Claim of John W. Keller against the City of Virginia."

CHAS. D. KING,  
Chairman.

The Special Committee appointed to wait on the Governor reported that the Governor had no further communication to make to the House.

Report received and Committee discharged.

#### SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 4th, 1869. }

*To the Hon. the Assembly :*

I have the honor to inform your honorable body that Messrs. Welty, Hastings, and Shamp have been appointed a Committee of Free Conference on the part of the Senate to consider amendments to Assembly Bill No. 129, relative to selection of lands belonging to the State.

Respectfully,  
CHAS. F. BICKNELL,  
Ass't Secretary Senate.

The Free Conference Committee on Assembly Bill No. 129 reported that they have agreed to strike out the name of "B. F. Leet" and insert the name of "D. G. Corbett."

Roll called, and the House concurred in the report of the Committee :

YEAS—Messrs. Barney, Bowman, Brown, Bunker, Burson, Coburn, Corbett, Dangberg, Davis, Doolin, Gray, Hanford, Hanson, Hillyer, Lammon, Mayhugh, Mills, Moulton, Randall, Richardson, Scott, Shakspeare, Shimmin, Tennant, Welch, Woodworth, and Mr. Speaker—27.

NAYS—Messrs. Anderson, Burlingame, Cleveland, Ford, King, Potter, and Small—7.

STATE OF NEVADA,

TO C. N. NOTEWARE, DR.,

To enrolling for the Assembly, present Session, two hundred and  
fifty folios, at 15 cents per folio.....\$37 50

The above bill is just and correct, and no part of the sum has been paid.

C. N. NOTEWARE,  
Sec'y of State.

I hereby certify that the above is a correct statement of the amount of the  
balance of enrolling done by Mr. C. N. Noteware, and would recommend that  
the following resolution do pass.

CHAS. D. KING,  
Chairman.

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to draw  
his warrant upon the Contingent Fund of the Assembly for \$37.50, in favor of  
C. N. Noteware for services as Enrolling Clerk.

Adopted.

## SENATE MESSAGE.

STATE OF NEVADA, SENATE CHAMBER, }  
Carson City, March 4th, 1869. }

*To the Hon. the Assembly :*

I am directed to inform your honorable body that the Committee of Free Con-  
ference on the part of the Senate report in favor of the names of Messrs. Cor-  
bett, Rice, and Beck, being incorporated in Assembly Bill No. 129, in lieu of  
those inserted by Senate.

Respectfully,

CHAS. F. BICKNELL,  
Ass't Sec'y Senate.

## REPORT OF COMMITTEE ON PUBLIC LANDS.

*Mr. Speaker :*

Your Standing Committee on Public Lands to whom was referred Senate Bill  
No. 29, entitled "An Act to amend an Act entitled 'An Act to provide for the  
Selection and Sale of Lands granted by the United States to the State of Nevada,'  
approved April 2, 1867," have had the same under consideration and report the  
same back with a recommendation that it do not pass.

J. M. WOODWORTH,  
Chairman.

Senate Bill No. 29, as per report of Committee.  
Indefinitely postponed.

## RESOLUTIONS.

*Resolved*, That the thanks of the Assembly be and they are hereby tendered  
to T. S. Davenport, Minute Clerk, for the able manner in which he has discharged  
his duties.

Adopted.

*Resolved*, That the Speaker of the Assembly be and he is hereby authorized, in conjunction with the Clerk, to examine and approve the Journals of this House for yesterday and this day.

Adopted.

*Resolved*, That *Best*, head porter of this House, is entitled to the thanks of this House for the efficient manner in which he has performed the duties of his office during this session.

Adopted.

#### REPORT OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report as correctly enrolled and presented to the Governor, Substitute for Assembly Bill No. 27, "An Act to authorize the County of Storey to pay a certain Bond."

CHAS. D. KING,  
Chairman.

#### RESOLUTION.

*Resolved*, That the Senate be requested to send in a message to this House stating what they done with the bill regarding the Solemnization of Marriage as amended by the House.

Adopted.

On motion of Mr. Mayhugh, at 10:15 P.M. the House took a recess for 30 minutes.

In session—10:45 P.M.

Quorum present.

By consent Mr. Potter had leave to present and have entered upon the Journal the following protest :

*Mr. Speaker :*

I, A. K. Potter, Assemblyman from the County of Storey, do hereby enter my solemn protest and avow that a certain portion of "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State, and Repeal all other Acts in relation thereto," has been improperly enrolled and included therein, after the same had been stricken out, and that the portion of said Act which can have no effect as alluded to, is all that portion of Section 245 of said Act, next after the word "judgment," where it last occurs in said enrolled Act.

Mr. Barney asked leave to have his name appear in the protest.

Leave granted.

Mr. Moulton asked that his name also appear in the protest.

Leave granted.

## REPORTS OF COMMITTEE UPON ENROLLMENT.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report as correctly enrolled the following Concurrent Resolutions, and that they are filed with the Secretary of State, viz:

No. 35, Relating to Mail Service from Belmont, Nye County, to Sherman-town, White Pine County, in this State.

Also, No. 31, Relating to the Walker River Indian Reservation in Esmeralda County.

CHAS. D. KING,  
Chairman.

*Mr. Speaker :*

Your Standing Committee upon Enrollment beg leave to report as correctly enrolled, and presented to the Governor, Assembly Bill No. 128.

Also, Assembly Bill No. 129, "An Act to provide for the Selection and Sale of the School Lands donated to the State of Nevada."

CHAS. D. KING,  
Chairman.

The hour of adjournment having arrived, the Speaker declared the House adjourned *sine die*.

Approved,

D. O. ADKISON,  
Speaker.

Attest—A. WHITFORD,  
Clerk.



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# APPENDIX.





# WOMAN SUFFRAGE.

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## SPEECH

OF

HON. C. J. HILLYER,

*Delivered in the Assembly of the State of Nevada*

TUESDAY, FEBRUARY 16, 1869.

---

CARSON CITY:

HENRY R. MIGHELS, STATE PRINTER.

1869.



## SPEECH OF HON. C. J. HILLYER.

The proposed amendment to the suffrage clause of the Constitution of the State of Nevada, striking the word "male" therefrom, being under consideration, Mr. Hillyer said:

MR. SPEAKER: I propose to take this occasion to express my views upon this subject at such length as shall seem to me to be necessary, and as its importance shall seem to deserve.

I will say, in the outset, that I hope the discussion upon it will not be closed to-day. I am glad that it has commenced thus early, for I believe it is necessary for its proper consideration. And I hope that when that shall have been said upon it which members shall desire to-day, we shall have further time for its discussion.

Sir, in a Republican Government there is no question which is so interesting as that of the suffrage. It is the base upon which the whole superstructure rests, and upon the quality of which depends its stability and its duration. Our fundamental Constitutions, the laws which are passed in pursuance of those Constitutions, and the officers elected to execute those laws, are all dependent for their character upon the ballot. I presume, sir, that it does not need one word from me to any member on this floor—all of us the mere breath of the ballot—to induce him to give that attention to which it is entitled, to any discussion which involves the character and composition of the constituent body by whom that ballot is to be wielded.

The character of the amendment proposed would of itself arrest attention independent of the vital importance of the general subject.

The question as to the length of time which a limited number of foreigners should be compelled to reside in the United States before this privilege should be conferred upon them has been sufficient to agitate the land throughout its length and breadth, and to form the basis of national political organizations.

The question of whether a still smaller fraction—less than one-tenth in number of the whole people—should have this privilege conferred upon them, has been the key note of our politics for the past four years; has been sufficient to cloud the political horizon with the portents of renewed civil war, only to be dispelled, and now happily dispelled, by that quiet and all-powerful voice which makes and unmakes Constitutions and laws, and, thank God, Presidents.

While I do not deem that the importance of these questions has been in any degree overrated, they are yet dwarfed into insignificance by the grander question which has now arisen upon this progressive Republic.

This question, which now confronts the American people, is not whether a small number of foreigners shall be made happy by a vote, or whether rebels shall be made miserable by giving that vote to a still smaller number of native-born Americans who have fought to sustain the Government; but it is whether,

by a simple constitutional declaration, the voting element of this State, and, by sequence of principle, of the United States, shall be doubled; whether the political voice of this State shall be uttered by 30,000 or by 15,000, and that of the Nation by 12,000,000 instead of 6,000,000.

In the outset, I must be permitted to say that it seems to me that the burthen of argument is not upon those who maintain the right of women to vote. I think that we are at liberty to rest until we have heard a statement from some gentleman of his reasons why they should not vote. The women of our land are human beings. They are, I presume, intelligent human beings. Moreover, sir, they are citizens of the United States. They are subject in every respect to the laws of the United States. Their lives and their fortunes are held and secured under the conditions imposed by those laws. They are property owners, and their property rights are regulated by the same constitutional and statutory enactments, by the same broad principles of the common law which regulate the property rights of other citizens. Their womanhood does not shield them from any of the burthens which are imposed by those laws. Neither the judicial tribunals which men have erected nor the tax gatherer whom they have appointed are respecters of sex in the performance of their official functions.

Now, sir, when I have thus described a large portion of our community, dwelling in our midst—American citizens, subject to our laws, bearing their just proportions of the burdens imposed by the Government—what is their lacking to the description of a qualified voter, according to the accepted and received definitions of the American people? Have I not a right to rest upon this statement, and to demand why she is not as much a citizen for the purpose of suffrage as for other purposes—to demand to be shown some general principle of this Government, some fact in its past experience, some maxim of its founders and defenders, to justify this visible inconsistency?

Sir, if I do, I am at a loss to know from what class of politicians I should attend the objection.

If it be made by a Republican, who professes to believe in the doctrine of universal suffrage as a natural right, he must tell me by what process of reasoning that system can justly be called universal which excludes from its operation one-half of the community.

If it be made by a Democrat, who professes to believe, *par excellence*, in a "white man's" Government, I shall ask him to tell me by what right he excludes from participation in that Government the fairest and whitest of its citizens.

If there be gentlemen who still cling to the tenets of Native Americanism, I shall ask of them to explain how it is that they include in their ostracism, together with the foreigners to whom the genius of our institutions is supposed to be a strange, hundreds of thousands of native-born who from the cradle to maturity have sucked in republican ideas with their every breath, and whose ears have never been polluted by the discordant tones of any other tongue than the Anglo-Saxon.

If it be by a gentleman who thinks that property has a special claim to be represented in legislation, and that therefore its possession should be a qualification of the right of suffrage, he must explain by what process: it is that the woman who owns her farm, her mine, or her residence, is not permitted that share in the Government to which her property entitles her in the same manner as other citizens.

And if there be those—and I know there are many—who think that intelligence is the natural guardian of the suffrage, and that it should be made a qualification of the right to vote, I shall demand of them to tell me how it is that they are willing to permit the tens of thousands who scarcely reach the qualification of barely writing legibly their names and reading laboriously the

Constitution of the United States, and yet are willing to exclude the other tens of thousands of women who write our books and teach our schools.

Sir, I do not believe it will be possible for any member upon this floor to oppose the adoption of this amendment without encountering full in the face some proposition of which he has hitherto been the advocate, and which has been professedly the guide of his political action.

But I am not disposed to be technical about where lies the *onus probandi* of this argument. The advocates of this measure do not hesitate to assume the affirmative of the proposition, and to charge themselves with the demonstration that it is both just and expedient. We only ask that in the argument, fundamental propositions in regard to popular government, which have been everywhere recognized as true; general principles, which have had the sanction of all our principal statesmen; maxims which have never been heretofore controverted by any of our political organizations, shall not now, for the first time, be questioned—but shall here as elsewhere be received as true, and constitute the basis of the argument.

Among the maxims which form the creed of American republicanism there is none more venerable by its age, more deeply cherished, more axiomatic by reason of universal consent, than this: that taxation and representation should go hand in hand. As an article of our political faith, it is fundamental. It is intimately interwoven with the birth and history of our Government. It was the keystone of the arch of the American Revolution. "Taxation without representation is tyranny!" was the cry with which Otis and Adams and Quincy roused to resistance the Puritans of Massachusetts; and with the same cry Patrick Henry and Washington lashed into rebellion the loyal colonists of Virginia. All else would have been forgiven had this one demand been conceded. It was the essence of the contest. It was made sacred by the blood of a hundred battles. It was vindicated by the final triumph; and it has ever since been as indelibly graven upon the minds of the citizens of that Republic which was the fruit of the triumph as was the first commandment upon the tablet which Moses bore from the cloudy summit of Mount Sinai.

Now, sir, in behalf of the women of America, I invoke the application of this doctrine; and I say that unless gentlemen see fit now, for the first time, to question its truth, the argument is complete with the simple ascertainment of whether or not the women of our land are taxed. Let the Constitution of the United States, the Constitution of our own State, the Acts of Congress, our own statutes, our judicial decisions, State and National, answer the question. They answer with common consent in the affirmative, and there is nothing left but for gentlemen to abjure the doctrine or else adopt the amendment which embodies it.

"Governments derive their just powers from the consent of the governed." So says the Declaration of Independence; and so have echoed the American people for the past ninety years.

Are not the women of America governed within the meaning of the language of the Declaration? If we look into our own Constitution, we shall find there some few exceptions based upon a distinction of sex; but we will find that those exceptions are, save in the single matter of bearing arms, not where there are duties to enjoin, but invariably where there are privileges to confer. We have passed many statutes this session imposing burdens, and I have yet to notice the first one of them in which this word "male," which we seek to drive from our Constitution, has been deemed necessary to be inserted. In the laws with reference to the procedure in our Courts, in our criminal statutes, in our revenue laws, the woman is legislated for equally with the man. She is, always and everywhere, one of the governed; and yet, in direct opposition to the maxim which I have quoted, she is not allowed an opportunity to either consent to or dis-

sent from the laws by which she is governed. We, a body of men, have been willing to sit here this winter and make laws binding not merely on our male constituents who send us here, but a body equal to one-half of the community, who have had no voice in our election; who are, therefore, unrepresented upon this floor, and who are compelled to submit to whatever in the shape of statutes the present dominating male authorities may see fit to impose upon them.

In the days of the Revolution this was called tyranny. The author of the Declaration of Independence so declared it to be in unmistakable terms, and I presume that it is still tyranny; tyranny meaner and more contemptible than that of which our fathers complained—for theirs, at least, was a tyranny of men over men, and this is that cheaper and more cowardly experiment of a tyranny of the physically strong over the physically weak.

Sir, I might go on until you and this House were weary enumerating the maxims and traditions handed down to us by our fathers, which are violated by this unjust exclusion. But I forbear, for the reason that it is not here; it is not in the right, perfect as is that right, of women to vote, that I desire to rest this argument. I propose to go further, and to say that, independent of all considerations of our duty, independent of all considerations of political consistency, simply and solely as a measure of political expediency, this amendment ought to be adopted. I advocate it less as a boon to woman than as a need to society and to man.

Sir, our suffrage system, upon which, as I have before said, rests the future of this Republic, is dangerously imperfect. There is not an intelligent patriot in the land who has not at times felt fear in his heart as he has witnessed the details of its operation. For the past ninety years the evil has been felt—the existence of the disease has been recognized, and from time to time spasmodic efforts have been made for its cure. To this conviction, to this well-grounded apprehension, are to be traced all those movements, of which I have heretofore spoken, for a property qualification, for an educational qualification, for a qualification by birth on the soil; and whatever of temporary success any one of these or of similar movements has had, it has owed to the fact that the fear which inspired it was well-grounded, and they have failed because that the disease for which they were proposed as remedies was not understood.

Sir, what is the great evil of our suffrage system? It is not in our naturalization laws; for upon almost every important question the foreign element has been divided, and it has always been led and marshaled by the native-born. It is not in the want of a property qualification; for it is notorious that our politics have been but too plastic material in the hands of property and capital. Neither is it alone or principally in the want of intelligence. The land is full of intelligence. Our literature with a century of age ranks that of the nations whose roots are in antiquity. Our daily journals are innumerable jets of intellect, keeping the whole land in a blaze of light. Intellectual talent crowds our deliberative assemblies, our Congressional and Legislative halls, and is only cramped for room for development. Few if any Constitutions—few if any laws, are bad because of a lack of sufficient intelligence, either in the primary or representative body, to make them good.

Sir, I wish to be understood on this point. There is no man who can go beyond me in an earnest desire to secure, or in appreciating the importance of, a more thorough diffusion of intelligence among the voters of our land. But that which I do say is: that this alone is not sufficient; that it is not even, perhaps, the most important; that behind this want, behind all these alleged defects which I have mentioned, there is an evil more radical, more potential, more dangerous than all—that may be summed up in one word: its immorality. The principal danger to republican government to-day is not in the perception or the reflection of its suffrage element, but in its sentiment and in its feeling.

Examine the actual workings of the system from the lowest grade of political organization up to the most august assemblage which consummates the national will. The primary or the political party, the election, County, State and National—who does not dread their recurrence? Who does not sicken at the ever succeeding disgusting detail of their conduct and their management? The Convention, the State Legislature, the Congress, even, of the United States—who that has rights to lose does not often fear their assemblage? When right and justice range themselves on the one side, and wrong, injustice and individual profit on the other, who can say that he does not tremble for the result? And why? Is it because it is feared that the electors may not comprehend the issues which are submitted to them; that they may be deceived in the character of the men proposed for position? Partially, perhaps; but not chiefly so. Is it because it is feared that the deliberative body will not understand sufficiently the nature of the questions which it may be called upon to decide? So far from this, that most frequently it is from those whose perceptions are keenest and quickest that the most danger is apprehended. No, sir, it is not the want of mental capacity to see the right, but the want of the will to do it when seen which to-day constitutes the weak point in popular government; which we must find the means to fortify or consent to see it fail.

The politics of the country is corrupt. Corruption in the primary; corruption in the election; corruption in the deliberative body; corruption by money; corruption by bargain and sale of position; corruption by all the avenues which lead to a supposed self-interest. And the fact that this thus exists is even less dangerous than the fact that it is tolerated—condemned, perhaps, by word, but practically recognized as a necessary and unavoidable concomitant of the system. Politics is a filthy pool. So says the press; so say the public orators; so says every man in the frankness of private conversation. And yet, so saying—so admitting its filthiness, they neither propose the means to cleanse it nor yet hesitate to bathe in it. Good men support bad men for office without compunction. Otherwise moral men witness the corruption of a primary or an election with no other apparent feeling than of solicitude as to its success. Politics, the noblest science to which the faculties of man can be devoted, is thus degraded to the level of a game—a tricking, swindling game, at that; and men play at it as if it were exempted from the code of morality, and as if its very dishonesty was licensed. Sir, is not this dangerous? Does it not menace not merely the welfare but the existence of our popular government? All thinking men will admit it.

Is it, then, irremediable? I am confident that it is not. But the remedy which reaches it must be radical. It cannot be done by teaching or by preaching. Exhortation has been tried in vain. The press, the pulpit and the forum have thundered against it in vain; and their efforts will continue to be in vain, for the reason that they are warring against the natural—nay, the necessary, consequence of a defective and imperfect political system.

Sir, I believe that popular government is something more than one of several forms, which experience has shown to be the best adapted for the protection of society. However favorably its results may compare with those of other forms, I am unwilling to rest its claims for supremacy solely upon such comparison. I believe that it is the natural form of government; that it is good, because man is man—because human nature is as it is; that it is therefore theoretically the only true government, necessarily of superior excellence because alone responsive to the conditions of humanity. And, believing this, I believe that all other forms, monarchical, imperial, aristocratic, or mixed, must yield; and that popular government, that government which is the expression of the aggregated will of all the governed, must, by the inevitable laws of progress, become universal.

This belief, and the hope which this belief inspires, has the same foundation as

our faith in human destiny. I know that if the world is to go forward, that if society is to advance instead of retrograde, it is because that there is in all of its aggregated elements more of good than of evil; because that if all of its passions, good and evil, its vices and its virtues, are allowed free combat, the victory will be with the right. To disbelieve this is to impeach Providence. And therefore, on like grounds, I am confident that there is no sure guarantee of political success except in making the Government the representative of all the social elements. In other words, politics must be made a social institution. I repeat it, sir, as the central idea of all I think and all I have to say upon this subject; that which I would like to see written at the head of every one of our journals; which I would like to see inscribed as the first line of every one of our political platforms: **POLITICS MUST BE MADE A SOCIAL INSTITUTION.** The intellect, the passions, the sentiments, which, in all of their diversity and in all of their completeness, characterize and actuate society, must be incorporated into and made to operate the political system; and then, and then alone, we shall have the same pledge of its excellence, of its continued advancement toward perfection, which now inspires the hope of the philanthropist that the world will not relapse into barbarism.

Entertaining these views, I find the palpable cause, the plain explanation of these admitted defects of our political system, in its incompleteness; in the lack of its natural constituent elements.

Its most glaring fault is, as we have seen, a gross immorality; and yet we have studiously excluded from that system the distinctively moral element of society. That which we most want is a political conscience; and we have carefully barred out from the political domain the distinctively conscientious social element. With the power given to us, with the material placed in our hands by the God of Nature, to have given to this system a symmetrical form, we have undertaken to revise His decrees, we have rejected the proportions which he had fixed; and it is not strange that we have made it a deformed monster.

Sir, I shall not enter into any disquisition here to show that woman is by nature more moral, more conscientious, than man. I appeal to the observation of each one who hears me; I appeal to the teachings of history in all time; I appeal to the received opinions of every age and every people; to the declarations of universal literature. He who contradicts it must contradict all these witnesses. In mind as in body, to man is given strength; to woman, beauty; to man force, to woman delicacy; to man grossness, to woman refinement. Let the father, the brother, the husband, say whether the feminine sentiments are not more virtuous, whether the feminine instincts are not more pure, than his own. The romancer who should write it otherwise would not be read; the actor who should dare to depict otherwise would be hissed from the stage; the poet who would sing it otherwise would make discord in Nature's music; the painter who should venture to portray it otherwise would make art hideous.

To this truth we owe our civilization. Just in proportion as scope has been given to the nature of woman; just in proportion as the sphere of her action and influence has been enlarged, in any country, in any clime, communities, States and Nations have mounted toward perfection. Her very presence is, to vice and pollution, the east wind which blasts its growth; and wherever she goes, in her footsteps spring the roses of virtue and innocence. Woman is the great social purifier. Why should she not be the great political purifier? Politics is a filthy pool; and shall we let it fester and stagnate until the slime of its corruption becomes so offensive that even good men will shun its contact, or shall we cleanse it by pouring into and through it a fresh and living stream of virtue? Shall we continue to live in and breathe the foul vapors of this political dungeon, or shall we open the portals and bid enter, with woman, the sweet light and pure air?

Sir, as it is theoretically correct that there can be no true popular Government



without this element, so, practically, in the light of a sad experience, the great want of our political system is woman. We want her refinement; we want her taste; we want her sentiment; we want her conscience; we want her warm heart and her pure instincts. Let us have these, and the new political form which it will create will be to that of the present day what the Church congregation is to the street mob; what the private parlor is to the drinking saloon; what the theater is to the melodeon; what the lecture room is to the cock-pit.

Is there any gentleman who will say that he does not believe that if woman voted we should have better officers than are now elected to position? It is a shameful fact that morality is considered scarcely a proper, much less a necessary qualification for public life. There is not a gentleman in this room who cannot within the limits of his own observation, aye, within the political history of this yet young State, point to men who have been elevated to high positions, who, if woman had had their voice, would never have been able to crowd their names beyond the threshold of a nominating Convention.

We want her, not merely to give us better officers, but we want her distinctive feminine influence in our legislation. Woman is the educator of our children. Why should she not have a voice in the making of the laws which regulate their education? Who so well fitted as she to form, regulate, and foster the school system of a people? And who does not believe that if women had had the management, or even their share of the management, there would not have been to-day more than \$30,000 in the School Fund of the State of Nevada? She is a parent; and why is she excluded from a voice in the legislation which regulates the parental relations? She is a wife; and by what right or with what probability of justice is it that it is left to husbands alone to frame the laws of marriage and divorce? The whole of our system of public charities; the care of our orphans (and here I disclaim any wish to infringe on the peculiar prerogatives of my colleague from Storey, Mr. Welch), of the deaf, the dumb, the blind, the insane, and the poor, falls naturally within the domain of female guardianship. Our criminal statutes, which punish alike the woman with the man, should be made, without distinction of sex, by all of those who are subject to their pains and their penalties; and, believe me, they would be better to-day if in their making the tender heart of woman tempered with mercy the rough justice of man. We need sometimes taste in our legislation, and I would like to ask of my friends, the delegation from Ormsby, if they would not prefer to leave to the women of this State to say whether we should sit here and legislate in this inconvenient, dingy, uncouth hall, or whether yonder plaza should be crowned by a stately edifice whose graceful architecture should make it a fitting temple for the beauty as well as the talent of the land.

I have now, sir, given some reasons, which to me seem to be of weight, why this amendment should be adopted, and it only remains to notice some of the objections which are made.

First, it is said that woman is mentally inferior, and is thereby disqualified from exercising this privilege. Even if this were true, it would detract nothing from the weight of the argument which has been made. Intellect is not the sole qualification of a voter. It is doubtful if it is even the most important of those qualifications. We want, as I have said, in our suffrage element the whole of human nature. We want the sentiments as well as the perceptions; the heart that feels as well as the intellect that thinks. And, sir, as for me, I would prefer to-day to put the ballot into the hand of that woman the most illiterate of the land, whose conscience was quick and whose instincts were pure, than in that of the man profoundest in wisdom, brightest in talent, who never smiles over a cradle and never weeps over a tomb.

But this accusation of mental disqualification is a vile slander. I would ask

no heavier punishment for the member on this floor who shall dare to make it, than to put the pen in the hand of some one of the thousand American women whom he traduces, that his ignorant vanity might receive from her the word-lashing which it merits. Can the gentleman who makes this objection write as good a book of poems as Mrs. Hannah More? Can he give us as good a series of romances as Mrs. Southworth? Will he measure art and genius with Rachel? Will he attempt to compete in the field of literature with Madame De Stael, or Mrs. Sigourney, or with the hundreds of others whose articles fill our magazines and whose books crowd our libraries? Would he even like to submit to an examination upon the rudiments of elementary science before one of the ten thousand American school mistresses who to-day are training future legislators to express in proper English their contempt for their teachers? Sir, against this charge the women of America are abundantly able to defend themselves.

Then it is said—and this is the objection most often repeated—that in entering politics woman is passing out of her sphere. The remark is somewhat vague, and probably for that reason serves fully as well the purpose of the objector. If I am to hear it repeated on this floor, I shall at least ask of the gentleman who does so to define for us what is woman's sphere.

So far as I have heard it elaborated in private discussion, I should take their idea of woman's sphere to be something like this: If the woman be poor, it is her sphere to do the man's cooking, to mend the man's clothes, and to bear the man's children. If she be rich, it is her sphere to dress elaborately, to shop expensively, and to talk trifles voluminously. In the one case a slave; in the other a toy.

By what warrant does any gentleman thus attempt to fix the limit of the range of activity within which the capacity of any class of society is to be limited? By virtue of her descent from Adam, by virtue of her human nature, by virtue of her citizenship in a free Republic, she is entitled to do, and it is proper for her to do, all that which it pleases her to do; all that which her God-given faculties enable her to do, restricted only by those inexorable limits of right and wrong which restrain man equally with herself.

The idea of these gentlemen seems to be that a person's sphere is to continue to do that which they are chiefly engaged in doing at present. With equal logic might spheres be affixed to other classes of society upon this principle; and it might be said that the sphere of the Irishman was to build railroads, the sphere of the German to keep lager-beer saloons, the sphere of the Yankee to peddle clocks, and the sphere of Governors to send veto messages to refractory and unprincipled Legislatures. [Merriment.]

Sir, if this formula means anything, it is this: That there is something in the nature of woman incompatible with the exercise of this privilege. Let us examine it.

I know of but two conditions essential to the casting of a vote: One, the physical act of walking to the polls and depositing the ballot; the other, the previous preparation necessary to enable one to deposit it wisely.

Now as to the physical act: No gentleman who has retired fatigued with pleasure at two o'clock in the morning from a Carson ball will doubt that the ladies have the physical strength of limb which is necessary to enable them to walk to the polling places, situate however remotely within the limits of a township, and there deposit a ballot. And if it were a question of the Convention, or the Legislature, no gentleman, unless he believes that entering into public life will impair the voice, will doubt their physical capacity to say yea and nay, and very much more, either in a deliberative body or anywhere else. That difficulty therefore is not in the way. She is by nature physically fitted to do these acts. The disqualification, then, is for the mental operation. To cast a vote wisely it is

necessary that she should examine, weigh, and decide the questions of policy on which she is called to act; and if this is unfeminine, then the objection is good.

It is admitted, I believe, that it is not unfeminine for women to read, to think, to study, and even to discuss. Why then unfeminine for them to read, think upon, study, and discuss political subjects? The science of human government, the highest and noblest as it is the most complex and difficult of all sciences, what is there in its character to offend the delicacy, to taint the refinement, or to debase the morals of a woman?

Sir, politics has not been in the past by any means a distinctively male institution. Where shall we find more world-renowned politicians—aye, more eminent statesmen, than Elizabeth of England, Catharine of Russia, Maria Theresa of Austria, and Isabella of Spain? And yet I have never heard that any one of those distinguished sovereigns sacrificed to success in public life any of their womanly qualities. In the reigns of Louis XV and Louis XVI, it is notorious that the women of France controlled its politics; and yet, if we are to believe the Court history of its times, they did not thereby lose any of their feminine attractions. The Virgin Queen who ruled England with a singleness of will which no other monarch before or after her has dared to display, at whose word Europe trembled, was no less the high-born lady in the drawing room of the palace; no less the tender-hearted woman when receiving with haughty carriage, but heaving bosom, the homage, half of a subject, half of a lover, of the knightly Hastings. Her successor, the present monarch of England, does not hesitate to enter Parliament and address, on the gravest political subjects, the lords and gentlemen of her realm. And yet she will go down to history—she will live in the hearts of the English people, less as a Queen than as a model wife and mother. Sir, we have in our own time, in our own country, an example more illustrious still. Next to Wm. H. Seward, the most far-seeing political philosopher of this age; next to Abraham Lincoln, the great administrator in whose sympathetic nature the Nation seemed to unfold and develop itself, the person who has exercised the largest influence in the grand political revolution of the past fifteen years, by which slavery, that living lie upon popular government, has been blotted out from the list of American institutions, is a woman. With her pen in her hand in her study at Cincinnati, surrounded by the family circle which she adorned, Mrs. Harriet Beecher Stowe told the story of Uncle Tom, of Eva, of Legree and St. Clair; and as it went to every corner of the Nation, as it was perused and pondered over by every fireside, as the indignation mounted, the cheek flushed or the tear fell from each individual of ten thousand theatrical audiences who witnessed its representation in dramatic form upon the stage, a million prejudices were loosened, a million hearts were touched with conviction, and the eyes of the Nation were opened to see, and their consciences to accept, the great political truth which involved the destiny of the Republic. Gentlemen may sneer at this woman politician; they may call her strong-minded—an accusation which they may be very sure she will never make against them in return; they may pompously declare her to have been out of her sphere; they may arrogantly deny her the vote which they give to thousands too ignorant to read her book; but as for me, I feel that I would be honored to go before her on my bended knees and be permitted to kiss the hem of her robe in grateful reverence for her genius and her service to my country.

It is next objected that woman will be contaminated by politics. I hope I have been able to show that if this is true it has no natural cause; that this effect does not flow from anything either in the nature of woman or in the nature of political questions. It is therefore, if true at all, accidental and superficial. The objector points to our primaries, to our conventions, to our street political gatherings, to our elections, and triumphantly asks: "Are these fit scenes for female

participation?" Sir, I admit that they are not. No man shall go beyond me in characterizing and execrating these disgusting scenes which annually disgrace the community, the State, and the nation. And if the political field is always to remain the dirty slough of vulgarity and immorality which it now is, then I agree that it neither is nor ever will be fit for the presence of woman. I will go farther: It neither is nor ever will be fit for the presence of respectable men. The difference between these gentlemen and myself is, that they accept this condition of things as irremediable. They are willing to continue to wallow in this filthy slough. I propose to give it a carpet of green herbage and flowers, so that neither gentlemen or lady need fear to set their foot upon it.

The real question upon this point is: Will women lift up politics, or will politics drag down woman? They profess to fear, and I believe they do fear, that woman will be made a victim. I hail her as a savior. And upon this issue I appeal to the record of experience. I shall not attempt to descend into details at this stage of the discussion, but I will content myself with this broad assertion: that wherever, in any age or country, among any people, the sphere of female influence and action has been enlarged—wherever virtuous woman has been permitted to enter into any new walk of life, whether in the domain of business or of amusement, of religion, of art, or of science, her womanly nature has not been modified—her distinctively feminine qualities have not been impaired by the new conditions into which she has been introduced; but on the contrary, she has been the agent, she has always been the moving power, by which those conditions have been elevated to the level of her womanhood. I defy gentlemen upon this floor to point to the exception; and until the exception is found—nay, until they are sufficiently numerous to control the general rule, I have a right to say logically that as it has been in the past so it will be in the future, as it has been with other subjects so it will be with politics; its grossness and immorality will not stain her pure vestments, but like the virgin snow on yonder mountain, the mantle of her womanhood will cover up its uncouth features and bury from view its ugly deformity.

Sir, I have an ideal of an election day in which woman should take a part. The morning sun which rose upon it would not shine upon barricades erected in every ward of our cities and towns. An army of special policemen would not be stationed at every corner of our streets. The good citizen, as he left his home, would not feel it necessary, for the first time in the year, to bind his pistol to his waist. Each of the polling places would not be surrounded by a howling mob. The voter who desired to exercise his privilege would not be compelled to run a gauntlet; to be stared at by lines of brutal, menacing faces; to have his ears insulted by the clink of the circulating medium which affects the exchange between an elector's vote and his so-called political principles, and every finer feeling of nature outraged by the coarse vulgarity of that vile horde of human vermin who seem to spawn on every election day, as if there were something in its very atmosphere fitted to vitalize and warm them into life.

No, sir. The day of which I am thinking should in its general features be a mixture of the national holiday and the Sabbath of rest; a day wearing the external apparel fitted for one on which an agreeable privilege was to be exercised as well as a solemn duty to be performed. It should be ushered in by the peal of bells from every tower and steeple—the streets should don their gayest attire, and the air be sonorous with the swelling notes of the national anthem. Over each of the polling places should float the national emblem, and the steps which led up to the portals through which the votes were to be received should be as broad, as free of access, and as inviting as are those which now lead to the entrances of our theaters and our churches. Thither should flock not a mob, but society. Thither the young man, just turned of his majority, should conduct

the mother who from his infancy had trained as well his political ideas as his moral sentiments. Thither the husband should conduct his wife, proud of her independence and her equality. Thither the maiden should be led by her lover—the loving bond between them tied more tightly by the consecrating thought that they were together performing a responsible duty. There would be discussions, but no brawls—for gallantry is instinctive in the American breast, and, whatever may be his condition in life, in the presence of a lady he is a gentleman. She would pass without insult or annoyance to and from the polls as she now passes without insult or annoyance through our streets where she daily comes in contact with every class and element which she would encounter in the performance of this duty. In the atmosphere of refinement with which woman's presence would surround the circumstances of the day, the shameless vulgarity, the brazen corruption, which now claim it as their carnival, could not live at her approach, and their votaries would slink away as beasts of prey skulk to their lairs before the morning light; and when the sun went down it would set upon a State, a nation, rejoicing in the certainty of the triumph of the right, because the decision pronounced would have been the utterance of a universal humanity. Who, sir, would not pray for the dawn of an election day resembling this?

Lastly, sir, it is said that woman does not want to vote. To speak more correctly, it should be said that some women do not want to vote. And if there be one who desires to exercise this privilege, what right has man, what right has a sister woman, to object to its exercise?

But this is no proposition to compel woman to vote. There is nothing in the amendment proposed which forces upon any woman the exercise of this privilege. It simply proposes to make her a free agent; that which she is not at present. Is it possible that before a Republican audience I have still to expose the fallacy of the stale Democratic argument that when liberty of personal action is given it necessarily follows that all sorts of actions will be performed without reference to their justness or propriety? Have I again to refute the miserable proposition howled for the past four years from every Democratic stump that unless there were Constitutions and statutes interdicting the intermixture of races and colors, all the ladies in the land would engage in indiscriminate miscegenation? Sir, I hope we have had enough of that kind of argument. Political freedom does not constrain to do any act which is either wrong, indecent, or revolting to the taste. That man insults the sex who says that it is necessary that woman should be restrained by constitutional inhibition to prevent her from violating her womanly nature and from unsexing herself. That woman should be ashamed of herself who would tolerate in her presence the assertion, that if we should remove this constitutional prohibition, and leave her free as we are free—free to exercise or to refrain from exercising this privilege—free as to the extent, the time and manner of its exercise—she would exercise it any otherwise than as the circumstances by which she was surrounded, her relations to other persons and other duties, her own good judgment, her refined and feminine taste, would permit and dictate to her to do.

But I am inclined to think that the fact in relation to the wishes of our women on this subject, is much misrepresented. They are very chary of their expressions, for they are under bondage to the opinions of their fathers, husbands, and brothers, who constitute at present their guardians of mind as well as of body. Sir, if she has this alleged repugnance, it is a false idea; and for her sake, as well as ours, I hope it will be speedily abandoned. I wish my voice were loud enough to reach the ear of every woman, particularly of every wife, in the land, that I might tell her that to a delusive prejudice, miscalled delicacy, she is sacrificing the highest realization of her womanhood. I would bid her to cease to be the

petted toy, the flattered idol of her husband, and to become his partner and associate; to cease to be satisfied with being the consolation of an idle hour, and aspire to become the partaker of those earnest thoughts and actions which constitute his real life—to share his joys and sorrows not by a smile or a tear, but by comprehending and becoming a part of them. I would tell her that there is no love, no admiration, like the love and admiration which equal bestows on equal; that her highest happiness is in the exhaustion of all her capacities; that the most solid joys come not except with the acceptance of the highest responsibilities. And I would bid her, as she aspires to the full development of her womanly nature, to break down this barrier, to enter this field of earnest thought and action, to pass fearlessly with man into this broad and stirring domain of practical human government, to fight with him its stormy battles, to share with him its intoxicating triumphs, and thus crowning her beauty with usefulness, her purity with wisdom, to be worshipped by man no longer as an idol but as an angel.

Now, sir, a few words and I have done; and those words shall be of advice to my friends who surround me.

To my Democratic friends I would say: You ought without hesitation to accept this proposition, for it is novel, and your great political want is something new. It has a tendency, however remote, to break up present political parties; and your most pressing necessity, if you wish to count for anything in politics, is that present political parties should be broken up. You have been a long time excluded from the flesh pots. You have trod for many weary years the thorny, tedious, barren path of a hopeless minority. You will continue to tread it just as long as the present issues which now divide Republicans and Democrats shall constitute the basis of political organization. You are in the dungeon of despair. Here is opened a door of escape; a hope—nay, I may say, I think, a certainty, of indulging in that long untasted luxury: success. Abandon the African, whom you say you do not like, and accept the woman, against whom, I am sure, none of your tastes revolt. Forsake those ancient relics, your devotion to which has ruined you, and accept an article of modern manufacture which has the merit of utility. Come up out of the valley of dry bones and enter the field where men live and act. Cut loose from your dead issues—those putrid corpses to which you have been bound for the past ten years, and accept the embrace of a vital, living form, and I promise you, in addition to that greatest of all Democratic blessings, political power, that other boon, which you ought most to crave from the American people—forgetfulness of the past.

To my Republican friends I say: Look to your laurels. They are green and fresh, and magnificently abundant, but they may wither and fade, and your brow yet go uncrowned, unless fresh garlands are gathered. With us the past at least is secure. I would not barter for the highest political preferment which this Nation can bestow, the satisfaction of the thought that I have a part, however insignificant—that I share, however humbly, the rich glories which cluster around the history of our yet youthful party. But we must remember that we have succeeded, not because we were the Republican party, but because we were right. We have won because, in a progressive age, we have been the party of progress; because when the Nation was marching we have marched in the van; because we had the courage to pluck out, from the overwhelming mass of prejudice in which it was buried, a principle of eternal truth—dared boldly to inscribe it on our banners and to march to battle with the watchword of universal freedom.

Remember Lot's wife, and look not back. Beware of a halt. If we stop, the world, the Nation, will not stop. The inexorable law of progress will not modify itself to suit our movements; it will not stay its operation through respect either for our party name or our past achievements, but will as relentlessly con-

sign us to defeat and oblivion as it has for the same cause there consigned our Democratic predecessors.

Here is the great question of the hour. I beseech you to lay aside your prejudices for its consideration. Be not appalled either by its novelty or its magnitude. Let your intellects weigh it; let your sentiments appreciate it; let your reason judge it; and if you find it to be, as I believe you will find it to be, right, then spring again to the call; nerve yourselves for a new advance; gird your loins to scale another height; write another great truth on your banner; let the thrilling cry of "Onward" ring again through your ranks, and plant another bright star in the already glowing firmament where shine your past triumphs.

If you fail, if you have found already a resting place, those of us whose judgment and conscience bid us to still go forward will be compelled, sorrowfully and tearfully, but still compelled, to say farewell, and grieved at your desertion; but confident of ultimate success, we will bide our time.

[At the conclusion of his speech, Mr. Hillyer was greeted with round after round of applause.]

