

THE  
JOURNAL OF THE ASSEMBLY

OF THE  
NINTH SESSION

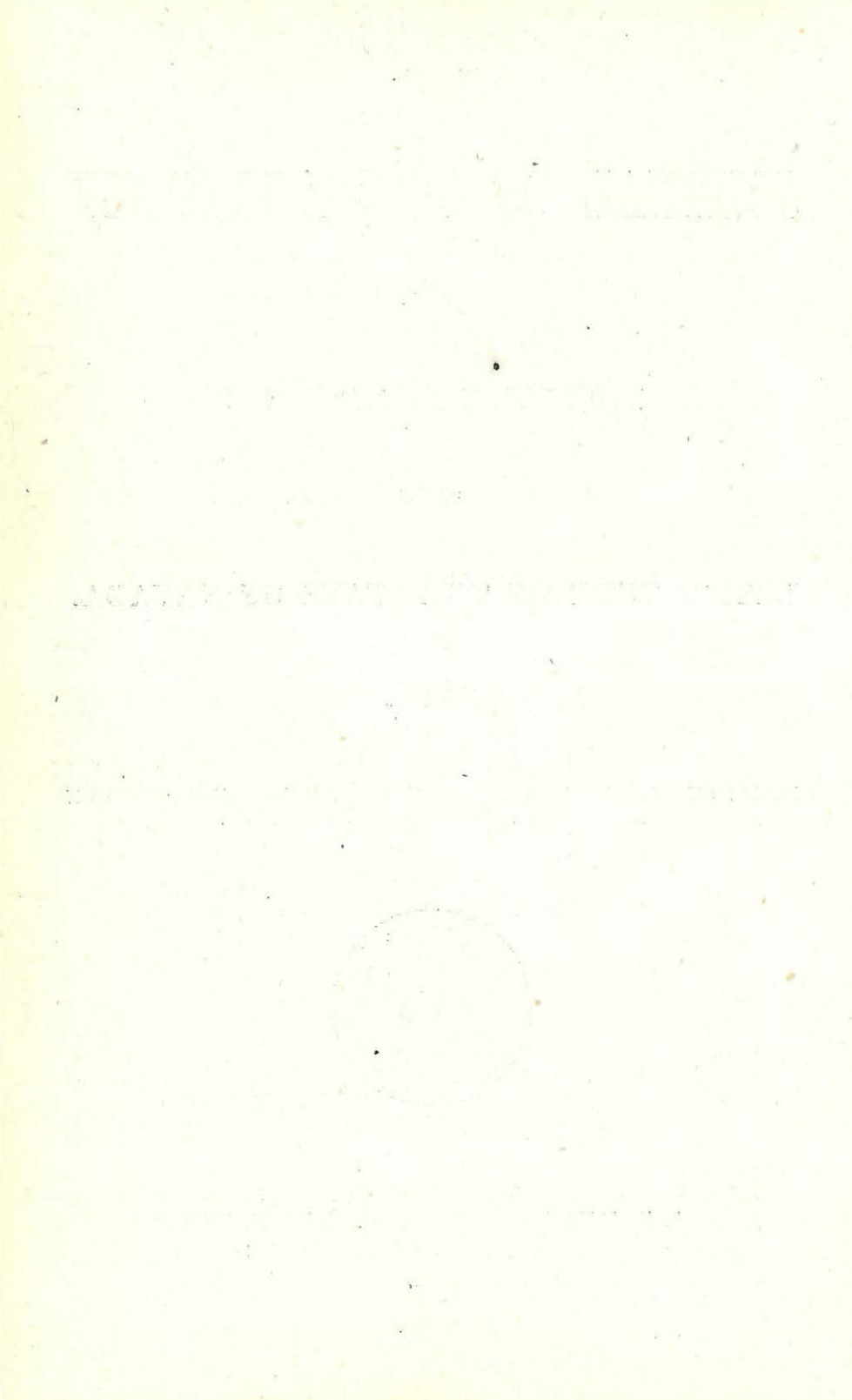
OF THE  
LEGISLATURE OF THE STATE OF NEVADA.

1879.

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



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## ARRANGEMENT AND CONTENTS OF VOLUME.

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JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY

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NINTH SESSION, 1879.

1870-1871

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# JOURNAL

OF THE

## ASSEMBLY OF THE STATE OF NEVADA.

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NINTH SESSION, 1879.

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FIRST DAY.

CARSON CITY, NEVADA, January 6, 1879.

Pursuant to the provisions of the Constitution and the Statute, the Assembly was called to order at 12 m. by the Hon. J. D. Minor, Secretary of State.

The roll was called, and the following members elect answered to their names:

U. E. Allen, of Lincoln, J. E. Allen, of Storey, Geo. L. Andrews, S. M. Beard, O. P. Crawford, T. W. W. Davies, J. R. Eldred, F. E. Fisk, J. P. Flannery, J. P. Foulks, Owen Fraser, I. Fulton, J. Ferguson, H. A. Gaston, E. F. Gibson, Chas. Green, T. E. Hagar, J. L. Hanna, J. C. Harlow, H. H. Howe, Thos. Irvine, H. Kennedy, Levi Lamb, Thos. Lane, A. Lawson, D. Lyons, M. R. Lyons, J. S. Mayhugh, D. Melarkey, Angus Morrison, Geo. Paton, B. L. Plummer, S. W. Powell, W. E. Price, Wm. Prisk, Thos. Robinson, C. P. Shakespeare, M. S. Sharp, J. L. Smith, W. E. Smith, J. P. Smith, John Smyth, W. B. Taylor, E. N. Underwood, H. Vansickle, Geo. Watt, Wm. Wermuth, J. T. Williams, G. W. Wilson.

Messrs. Mayhugh and Underwood were appointed a committee of two to wait on the Chief Justice of the Supreme Court, and invite him to the Assembly Chamber to administer the oath of office to the members elect.

Mr. J. M. Woodworth was appointed by the Secretary of State temporary Clerk of the House.

Messrs. Mayhugh and Underwood, committee to wait on Chief Justice of Supreme Court, reported that Chief Justice Beatty would be present in a few moments.

Mr. Mayhugh moved that the members elect take the oath of office in groups.

Motion carried.

Chief Justice Beatty now appeared and administered the oath of office to the following members elect:

Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gaston, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson.

Absent—Mr. Wash.

By Mr. Mayhugh of Elko:

*Resolved*, That the Assembly do now proceed to organize by the election of the following officers, in the following order, to wit.:

1. Speaker; 2. Speaker *pro tem*; 3. Chief Clerk; 4. Assistant Chief; 5. Sergeant-at-Arms; 6. Assistant Sergeant-at-Arms; 7. Enrolling Clerk; 8. Engrossing Clerk; 9. Minute Clerk; 10. Journal Clerk; 11. Two Copying Clerks; 12. One Chief Committee Clerk; 13. Four Committee Clerks; 14. One Messenger; 15. One Porter; 16. Two Pages.

Adopted.

Nominations for Speaker were declared in order.

Mr. Smith of Storey County placed in nomination H. A. Gaston of Storey County.

Mr. Fraser seconded the nomination. Nominations were then declared closed, and on motion of Mr. Foulks, Mr. Gaston was elected by acclamation Speaker of the Assembly.

Messrs. Smith (of Storey) and Shakespeare were appointed by the Secretary of State a Committee of Two to conduct the Speaker elect to the chair.

The Committee having performed its duty, the Speaker, on assuming the chair, addressed the House in a few appropriate remarks.

For Speaker *pro tem* Mr. Lane placed in nomination Mr. U. E. Allen of Lincoln County. Nominations closed. On motion of Mr. Shakespeare, Mr. Allen was elected Speaker *pro tem* by acclamation.

For Chief Clerk Mr. Plummer placed in nomination J. M. Woodworth of Elko County. Nominations were closed, and Mr. Woodworth was elected by acclamation.

For Assistant Clerk Mr. Lyons (of Storey) placed in nomination J. P. Flanningham of Storey County. There being no opposition, nominations for Assistant Clerk were closed, and Mr. Flanningham was elected by acclamation.

For Sergeant-at-Arms Mr. Foulks placed in nomination Chas. H. Stoddard of Washoe County. On motion of Mr. Prisk nominations were declared closed, and Mr. Stoddard was elected Sergeant-at-Arms by acclamation.

For Assistant Sergeant-at-Arms Mr. Wilson placed in nomination Chas. B. Kimball of White Pine County. On motion of Mr. Smith (of Storey) nominations were closed. Mr. Kimball was elected by acclamation.

For Minute Clerk Mr. J. P. Flannery placed in nomination Geo. W. Rogers of Storey County. There being no opposition, Mr. Rogers was elected Minute Clerk by acclamation.

For Journal Clerk Mr. J. C. Harlow placed in nomination A. Ames of Storey. There being no opposition, nominations for Journal Clerk closed, and Mr. Ames was elected by acclamation.

For Engrossing Clerk Mr. Allen of Lincoln County nominated Thos. J. Tennant of Ormsby County. There being no opposition, nominations were declared closed, and Mr. Tennant was elected by acclamation.

For Enrolling Clerk Mr. Fraser nominated J. J. Shepherd of Storey County. There being no opposition, nominations were declared closed, and Mr. Shepherd was elected by acclamation.

For Copying Clerks Mr. Fisk of Eureka placed in nomination C. S. Hays of Eureka County.

Mr. Smith of Lyon County placed in nomination James L. Henry of Lyon County.

There being no opposition, nominations for Copying Clerks were closed, and Messrs. Hays and Henry were elected by acclamation.

For Chief Clerk of Committees Mr. Allen of Storey nominated Mr. Chas. Oke Kelley of Storey County. There being no opposition, nominations for Chief Clerk of Committees closed, and Mr. Kelley was elected by acclamation.

For Committee Clerk Mr. Allen of Storey nominated Mr. E. P. Lovejoy of Storey County.

Mr. Mayhugh nominated Wm. Taylor of Elko County.

Mr. Harlow nominated Mr. Hickok of Storey.

Mr. Foulks nominated Mr. Meyers of Washoe.

Mr. Shakespeare nominated Mr. Howard of Esmeralda County.

Mr. Kennedy nominated Mr. John L. Godfrey, of Lyon County.

Mr. Foulks nominated R. P. M. Kelley, of Washoe County.

Mr. Lyons nominated James Phelan, of Storey County.

On motion of Mr. Mayhugh, Mr. Taylor, Mr. Lovejoy and Mr. Meyers were elected by acclamation.

Further nominations for Committee Clerks were in order.

Mr. Plummer nominated Wm. Rogers.

Mr. Lyons withdrew the name of James Phelan.

Mr. Mayhugh placed in nomination Wm. Gillespie, of Storey County.

On motion of Mr. Smith (of Storey) nominations for Committee Clerks were declared closed.

Mr. Mayhugh withdrew the name of Wm. Gillespie.

Roll was called, with the following result:

For Mr. Howard—Messrs. Allen (of Lincoln), Andrews, Eldred, Fisk, Fraser, Fulton, Lyons (of White Pine), Paton, Prisk, Robinson, Shakespeare, Sharp, Taylor, Vansickle, Wermuth, Wilson—16.

For Mr. Hickock—Messrs. Allen (of Storey), Crawford, Flannery, Gaston, Gibson, Hanna, Harlow, Howe, Irvine, Lane, Lyons (of Storey), Melarkey, Morrison, Powell, Smith (of Storey), Smyth, Watt—17.

For Mr. Rogers—Messrs. Beard, Hager, Mayhugh, Plummer—4.

For Mr. Kelley—Messrs. Foulks, Ferguson, Price, Smith (of Eureka), Underwood—5.

For Mr. Godfrey—Messrs. Davies, Green, Kennedy, Lamb, Lawson, Smith (of Lyon)—6.

There being no election, the Assembly proceeded to take a second vote.

Mr. Foulkes withdrew the name of Mr. Kelley in favor of Mr. Howard.

Mr. Mayhugh withdrew the name of Mr. Rogers.

Mr. Kennedy withdrew the name of Mr. Godfrey.

Roll was called, and Mr. Howard was elected by the following vote:

For Mr. Howard—Messrs. Allen (of Lincoln), Beard, Eldred, Fisk, Foulks, Fraser, Fulton, Ferguson, Green, Kennedy, Lamb, Lyons (of White Pine), Mayhugh, Paton, Plummer, Price, Robinson, Shakespeare, Sharp, Smith (of Eureka), Smith (of Lyon), Taylor, Underwood, Vansickle, Wermuth, Williams, Wilson—27.

For Mr. Heacock—Messrs. Allen (of Storey), Andrews, Crawford, Davies, Flannery, Gaston, Gibson, Hagar, Hanna, Harlow, Howe, Irvine, Lane, Lawson, Lyons (of Storey), Melarkey, Morrison, Powell, Prisk, Smith (of Storey), Smyth, Watt—22.

For Messenger, Mr. Vansickle nominated W. C. Noteware, of Douglas County.

There being no opposition, nominations closed, and Master Noteware was elected by acclamation.

For Porter, Mr. Price nominated John F. Reed, of Ormsby County.

Mr. Davies nominated R. Elliott, of Ormsby County.

Nominations were closed.

Roll called. Mr. Reed was elected by the following vote:

For Mr. Reed—Messrs. Allen (of Lincoln), Allen (of Storey), Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gaston, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons (of Storey), Lyons (of White Pine) Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith (of Eureka), Smith (of Lyon), Smith (of Storey), Taylor, Underwood, Vansickle, Wermuth, Wilson—42.

For Mr. Elliott—Messrs. Davies, Gibson, Green, Hagar, Smyth, Watt, Williams—7.

For Pages—Mr. Lane nominated James Cummings, of Storey.

Mr. Williams nominated W. B. Taylor, Jr., of Nye County.

There being no opposition, nominations were closed, and Masters Cummings and Taylor elected by acclamation.

Mr. Mayhugh moved that a committee of two be appointed to wait upon the Chief Justice of the Supreme Court, and invite him to administer the oath of office to the officers and attaches elect of the Assembly.

Carried.

Messrs. Mayhugh and Shakespeare were appointed such committee.

In due time, the committee returned, and introduced Justice Hawley, who administered the oath of office to the following officers elected:

H. A. Gaston, U. E. Allen, J. M. Woodworth, J. P. Flanningham, Thos. J. Tennant, J. J. Shepherd, Geo. W. Rogers, Amon Ames, Chas. H. Stoddard, Chas. B. Kimball, C. S. Hays, James F. Henry, Charles Kelley, James Cummins, W. C. Noteware, J. S. Reed.

By Mr. Plummer:

*Resolved*, That the Clerk be directed to inform the Senate that the Assembly has been duly organized, and is now ready to proceed with the business of the Session by the election of the following named officers and attachées of the Assembly, to wit:

Speaker, H. A. Gaston; Speaker *pro tem.*, U. E. Allen; Chief Clerk, J. M. Woodworth; Assistant Clerk, J. P. Flanningham; Sergeant-at-Arms, C. H. Stoddard; Assistant Sergeant-at-Arms, Chas. B. Kimball; Enrolling Clerk, Thos. Tennant; Minute Clerk, Geo. W. Rogers; Journal Clerk, A. Ames; Chief Committee Clerk, Charles O. Kelly; Committee Clerks, E. P. Lovejoy, Wm. Taylor, J. F. Myers, M. E. Howard; Copying Clerks, C. S. Hayes, James Henry; Messenger, W. C. Noteware; Porter, J. F. Reed; Pages, J. Cummings and W. B. Taylor, Jr.

Adopted.

#### SENATE MESSAGES.

SENATE CHAMBER, }  
January 6, 1879. }

*To the Honorable the Assembly:*

I am instructed by the Senate to inform your Honorable Body that the Senate is fully organized by the election of the following officers, to wit:

President *pro tem.*, W. R. King; Secretary of the Senate, Geo. I. Lammon; Assistant Secretary of the Senate, Thos. S. Davenport; Sergeant-at-Arms, C. C. Wallace; Assistant Sergeant-at-Arms, James Morris; Minute Clerk, E. H. Reese; Journal Clerk, N. W. Ross; Enrolling Clerk, E. B. Pixley; Engrossing Clerk, A. E. Arnold; Copying Clerks, A. C. Bragg, Albert Harris; Chief Committee Clerk, S. D. Wright; Committee Clerks, H. A. Henderson, Henry Cobb, Benj. Edson; Messenger, John Morgan; Porter, E. Pine; Pages, Willie Daley, John D. Lannon, and the Senate is ready to proceed to business.

Yours, Respectfully,

GEO. I. LAMMON,  
Secretary of Senate.

SENATE CHAMBER,  
January 6, 1879. }

To the Honorable the Senate :

The accompanying resolution was this day adopted by the Senate.

Yours, Respectfully,

GEO. I. LAMMON,  
Secretary of Senate.

Senate Concurrent Resolution—Relative to Joint Convention to inaugurate the Governor and Lieutenant-Governor elect.

Read and adopted.

By Mr. Lyons (of Storey):

Assembly Concurrent Resolution No. 1—Relative to the appointment of Committee to inform His Excellency, the Governor, that both Houses are organized and ready to receive any communications he may wish to present.

Read and adopted.

By Mr. Underwood:

*Resolved*, That a committee be appointed to invite the Rev. Mr. Dranches to officiate alternately in the Assembly with other ministers.

Mr. Mayhugh moved to amend, that the clergy of Carson be invited to act as Chaplains of the Assembly.

Pending the consideration of the amendment, Mr. Mayhugh moved to lay the subject matter on the table.

Motion to lay on the table carried.

Mr. Mayhugh moved that a Select Committee of two be appointed to wait upon the clergy of Carson and invite them to officiate alternately as Chaplains of the Assembly during the session.

Motion carried.

Messrs. Smith (of Storey) and Plummer were appointed as such committee.

By Mr. Smith (of Eureka):

*Resolved*, That the joint rules and standing rules of the last session

of the Legislature be adopted as the rules of this House until otherwise ordered.

Adopted.

On motion of Mr. Robinson, 1:34 P. M., the House adjourned.

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Clerk of the Assembly.

## SECOND DAY.

CARSON CITY, NEVADA, January 7, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll was called.

Absent—Messrs. Wash and Howe.

Mr. Speaker announced that the clergy of Carson have decided to alternate as Chaplain of the Assembly during the session, and the Rev. Mr. Davis would act as Chaplain during the present week.

Prayer by the Rev. Mr. Davis.

Mr. Allen (of Lincoln County), by leave, introduced the following resolution:

WHEREAS, R. L. Wash, a member elect of this Assembly from Lincoln County, is now ill in this city, and is unable to come into this Assembly Chamber to take the oath of office. Therefore, resolved that a committee of two be appointed by the Speaker to respectfully invite one of the Supreme Judges of the State to repair to the room of the said member elect, R. L. Wash, with said committee and administer the oath of office to the said Mr. Wash, and that said committee report to the House the fact of such official oath having been administered, and that such report be entered in the journal of this House.

Resolution adopted.

Messrs. Allen (of Lincoln County) and Lane were appointed as such committee.

## MOTIONS AND RESOLUTIONS.

By Mr. J. Smith (of Storey County):

*Resolved*, That Sergeant-at-Arms be instructed to procure a suitable room for Journal Clerk.

Adopted.

By Mr. Robinson (of Eureka County):

*Resolved*, That all newspaper reporters are entitled to seats in this Assembly, and that the Sergeant-at-Arms is instructed to provide them with seats and desks.

Adopted.

Mr. Shakspeare moved that the Speaker appoint a committee of three to procure suitable room for the Sergeant-at-Arms.

Mr. Allen (of Storey) moved as an amendment, that the Sergeant-at-Arms be authorized to procure a room for himself, while procuring one for the Journal Clerk.

Mr. Mayhugh moved as a substitute, that a Committee of one be appointed to ascertain from Judge Leonard if he will give the room occupied by him, for the use of the Sergeant-at-Arms of the Assembly.

Substitute adopted.

## MESSAGES FROM THE GOVERNOR.

The Governor's Private Secretary presented to the Assembly, the Governor's fourth Biennial Message.

On motion of Mr. Mayhugh, the message was laid over temporarily, until Wednesday, the eighth instant.

By Mr. Davies:

Assembly Concurrent Resolution No. 2—Relative to the removal of the office of the Secretary of State to the rooms formerly occupied by the State Minerologist, and the occupation of the rooms of the Secretary of State by the Sergeant-at-Arms of the Assembly.

Adopted.

## NOTICE OF BILLS.

Mr. Mayhugh gives notice that he will on to-morrow, or some future day, ask leave to introduce a bill entitled an Act supplementary to an Act entitled "An Act to provide for the selection of lands that have been, or may hereafter be, granted by the United States to the State of Nevada," approved March 5, 1873.

Mr. Mayhugh gave notice that he would to-morrow, or some future day, ask leave to introduce a bill entitled an Act to amend an Act and supplementary to "An Act to regulate the settlement of the estates of deceased persons," approved November 29, 1861.

Mr. Smith (of Storey) will on some future day ask leave to introduce a bill providing for the care of the Indigent Insane of this State.

Mr. Shakspeare gave notice that he would at an early day introduce a bill for the pay of the members and officers of the Assembly.

#### REPORTS OF SPECIAL COMMITTEE.

*Mr. Speaker:*

Your Committee who were appointed to wait upon one of the Supreme Judges, report that they have waited on his Honor, Judge Hawley, who proceeded with your Committee to the residence of the Hon. R. L. Wash, member elect from Lincoln county, and there administered the oath of office, the certificate of which we herewith present.

THOS. LANE,  
U. E. ALLEN.

Report of Committee adopted.

Mr. Allen (of Lincoln) asked indefinite leave of absence for Mr. Wash, on account of illness.

Leave granted.

At eleven o'clock and thirty-eight minutes A. M., Mr. Speaker declared a recess for twenty minutes.

#### HOUSE IN SESSION.

At eleven o'clock and fifty-eight minutes A. M.

No objection being offered, Messrs. Mayhugh and Williams were appointed a special committee to wait on the Senate, and inform that Honorable Body that the Assembly is ready to meet with them in Joint Convention.

#### IN JOINT CONVENTION.

President of the Senate in the chair.

Senate roll-call.

All present.

Assembly roll-call.

All present, except Mr. Wash (of Lincoln).

Mr. Cassidy moved that a committee of three be appointed to wait upon the Governor and Lieutenant-Governor elect, and inform them that the Senate and Assembly were in joint convention for the purpose of inaugurating them into their respective offices.

Senator Cassidy, Messrs. Melarkey and Powell were appointed on such committee.

Mr. Boardman moved that a committee of three be appointed to wait on the Chief Justice of the Supreme Court, and invite him to administer the oath of office to the Governor and Lieutenant-Governor.

Motion carried.

Senator Boardman, Messrs. Smith (of Storey) and Shakspeare, were appointed on such committee.

The select committees now appeared, and introduced the Governor and Lieutenant-Governor elect, and Chief Justice Beatty, to the Joint Convention, whereupon the Governor and Lieutenant-Governor elect took the oath of office and subscribed to the same.

In the absence of Governor Bradley, the Great Seal of the State of Nevada was delivered to Governor Kinkead by the President of the Senate.

Governor Kinkead then delivered his inaugural address, after which Senator Cassidy moved that the Joint Convention adjourn *sine die*.

Motion carried.

### HOUSE IN SESSION.

By Mr. Davis:

Assembly Concurrent Resolution No. 3, relative to printing copies of the inaugural address.

Adopted.

On motion of Mr. Mayhugh, at 2:39 P. M. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Clerk of the Assembly.

### THIRD DAY.

CARSON CITY, January 8, 1879.

The House met, pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Absent—Messrs. Lawson and Wash.

Mr. Lyons (of Storey) asked leave of absence for Mr. Lawson, for one day.

Granted.

Prayer by the Rev. Mr. Davis.

On motion of Mr. Smith (of Storey), the reading of the Journal was dispensed with.

Mr. Speaker announced the appointment of the following Standing Committees of the Assembly.

#### ON ELECTIONS.

Messrs. Fraser, Sharp, Lamb, Irvine, and Smith.

#### CORPORATIONS AND RAILROADS.

Messrs. Smith (of Storey), Plummer, Foulks, Watt, and Morrison.

## PUBLIC PRINTING.

Messrs. Fiske, Harlow, and Taylor.

## WAYS AND MEANS.

Messrs. Foulks, Taylor, Wermuth, Seine, Williams, Wilson, and Smith (of Storey).

## CLAIMS.

Messrs. Plummer, Vansickle, Price, Smith (of Eureka), and Eldred.

## JUDICIARY.

Messrs. Allen (of Lincoln), Davies, Lyons, Mayhugh, Shakespeare, Taylor, and Smith (of Eureka).

## MILITARY AND INDIAN AFFAIRS.

Messrs. Lyon (of White Pine), Fraser, Kennedy, Eldred, and Underwood.

## COUNTIES AND COUNTY BOUNDARIES.

Messrs. Kennedy, Crawford, Ferguson, Lawson, and Watt.

## TRADE AND MANUFACTURES.

Messrs. S. W. Powell, Wermuth, Melarkey, Andrews, and Gibson.

## EDUCATION.

Messrs. Wilson, Davies, Hanna, Wash, and Melarkey.

## AGRICULTURE.

Messrs. Crawford, Sharp, Irvine, Williams, and Watt.

## INTERNAL IMPROVEMENTS.

Messrs. Hanna, Lyon (of White Pine), Beard, Fulton, and Wash.

## STATE INSTITUTIONS.

Messrs. Underwood, Mayhugh, Fulton, Gibson, and Hagar.

## CONTINGENT EXPENSES AND ACCOUNTS.

Messrs. Vansickle, Smith, Powell, Howe, and Flannery.

## MINES AND MINING INTERESTS.

Messrs. Allen (of Storey), Shakespeare, Robinson, Prisk, and Paton.

## FEDERAL RELATIONS.

Messrs. Beard, Morrison, Lane, Gibson, and Price.

## ENGROSSMENT.

Messrs. Harlow, Howe, and Green.

## ENROLLMENT.

Messrs. Lyons (of Storey), Smith (of Lyon), and Paton.

## MILEAGE.

Messrs. Robinson, Lamb, and Green.

## PUBLIC MORALS.

Messrs. Ferguson, Lawson, and Hagar.

## STATE LIBRARY.

Messrs. Shakespeare, Flannery, and Smith.

## PUBLIC LANDS.

Messrs. Mayhugh, Andrews, Fisk, Price, and Wash.

## STATE PRISON.

Messrs. Morrison, Prisk, and Plummer.

## PETITIONS AND MEMORIALS.

By Mr. Shakespeare:

Assembly Memorial No. 1, to the President and Senate of the United States, in relation to the Burlingame Treaty, read, and on motion of Mr. Mayhugh, referred to the Committee on Federal Relations.

The Fourth Biennial Message of Governor Bradley was taken up, and pending its reading Mr. Smith (of Eureka) moved that further reading of the message be dispensed with, and the usual number of copies ordered printed.

Motion carried.

## MESSAGE FROM THE GOVERNOR.

*To the Honorable the Assembly:*

I have the honor to inform you that I have this day appointed George G. Lyon as my Private Secretary.

JOHN H. KINKEAD,  
Governor.

By Mr. Smith (of Lyon):

*Resolved*, That a committee of three be appointed by the Chair, whose duty it shall be to procure, at as low a rental as possible, rooms for the use of committees, Engrossing and Enrolling Clerks, and Copying and Journal Clerks (if it is needed), of the Assembly, and the resolution passed January 7, 1879, authorizing the Sergeant-at-Arms to procure a room for the Journal Clerk, is hereby rescinded.

Adopted.

By Mr. Allen (of Storey):

*Resolved*, That the Chief Clerk be and is hereby instructed to have blank bill-heads printed for the use of members.

Adopted.

Mr. Speaker appointed as a committee on rooms for clerks, Messrs. Van Sickle, Foulks and Smith (of Lyon).

By Mr. Flannery:

*Resolved*, That the State Controller be and is hereby authorized and directed to draw his warrant in favor of each member of the Assembly for the sum of sixty dollars (\$60), for newspapers, postage, express charges and stationary for the present session, as provided by the Constitution of the State of Nevada (Article iv., section thirty-three), the same to be paid out of the State Legislative Fund.

Adopted.

By Mr. Shakespeare:

Assembly Joint Memorial and Resolution No. 2—Relative to instructing our Senators to vote for the Bill now pending in the Senate of the United States regulating freight and fares on Inter-State Railroads.

Read first time, rules suspended, read second time by title.

Mr. Mayhugh moved that the joint resolution be referred to Committee on Federal Relations with instructions to report on the 10th instant. Motion lost.

Mr. Foulks moved that the rules be further suspended, Joint Resolution No. 2 be considered engrossed, read third time and placed on its final passage.

Motion carried.

Assembly Joint Memorial and Resolution No 2, read third time and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard,

Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith of Lyon, Smith of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—48.

NAYS—None.

ABSENT—Mr. Lawson.

By Mr. Lane:

WHEREAS, The law defining the number and the duty of the several attachees of both Houses of the Legislature, has omitted to provide for a paper-folder, and only two pages for this House; therefore, be it

*Resolved*, By the Assembly, that in view of the fact that this House contains two fold greater number of members than the Senate, that two pages are sufficient for the accommodation of the members, and for the prompt dispatch of public business thereof, that the speaker appoint one (1) paper-folder and one (1) additional page, at the same per diem as now provided by law for pages, the same to be paid out of the contingent fund of this House upon the warrant of the Sergeant-at-Arms, who is hereby directed to draw his warrant for the same upon said fund, where the same shall have been created.

Mr. Smith (of Storey) moved the adoption of the resolution.

Mr. Underwood raised the point of order, that an Act already provided for the number of officers and attachees of the Senate and Assembly.

Mr. Speaker decided the point of order well taken, and ruled the resolution out of order.

By Mr. Allen, of Lincoln:

*Resolved*, That in respect for the memory of Hon. R. L. Wash, deceased, late member of the present Assembly of this State, that when this Assembly adjourns, it adjourn until Friday, January 10th instant.

Adopted.

By Mr. Mayhugh:

*Resolved*, By the Assembly, that the Honorable Senators of Nevada be respectfully invited to join the members of the Assembly in paying the last tribute of respect to the memory of Hon. R. L. Wash, deceased, late a member of this Assembly, from the Assembly Chamber at 1 p. m., January 9th instant.

*Resolved*, That the State Officers and Judges of the Supreme Court be respectfully invited to attend the funeral of the late R. L. Wash.

*Resolved*, That the speaker appoint a Committee of Seven to make the necessary arrangements to carry the above and foregoing into effect.

In accordance with the foregoing resolutions the Speaker appointed the following members:

Messrs. Mayhugh, Allen (of Lincoln), Lane, Patton, Taylor, Morrison and Shakespeare.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEVADA, January 7, 1879. }

*To the Honorable the Assembly:*

I have the honor to return to the Assembly, Assembly Concurrent Resolution No. 1, the same having been adopted by a unanimous vote of the Senate.

I also transmit for your consideration, Senate Concurrent Resolution No. 2, the same having this day passed by the unanimous vote of the Senate.

GEO. I. LAMMON,  
Secretary,

SENATE CHAMBER,  
CARSON CITY, NEVADA, January 8, 1879. }

*To the Honorable the Assembly:*

I have the honor to transmit joint resolution relative to printing Governor's Message, which passed the Senate this day by the unanimous vote of the Senate.

GEO. I. LAMMON,  
Secretary.

SENATE CHAMBER,  
CARSON CITY, NEVADA, January 7, 1879. }

*To the Honorable the Assembly:*

I have the honor to transmit for your consideration Senate Bill No. 1—An Act to create a State Legislative Fund, the same having this day passed by a unanimous vote of the Senate.

Also, Senate Joint Memorial and Concurrent Resolution No. 1, relative to the regulation of Inter-State railroads, which passed this day by a unanimous vote of the Senate.

GEO. I. LAMMON,  
Secretary.

Senate Bill No. 1—An Act to create a State Legislative Fund.

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

On motion of Mr. Mayhugh the Assembly resolved itself into the Committee of the Whole for the consideration of Senate Bill No. 1.

Mr. Mayhugh in the chair.

In time the committee arose and reported back Senate Bill No. 1 to the House with the recommendation that it do pass.

## HOUSE IN SESSION.

Mr. Speaker in the chair.

Report of the Committee of the Whole adopted.

On motion of Mr. Smith (of Eureka) the rules were further suspended.

Senate Bill was read third time and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lane, Lawson, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith of Lyon, Smith of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

Absent—Messrs. Kennedy, Lamb and Wash.

#### NOTICE OF BILLS.

Mr. Foulks gave notice that he would on some future day introduce a bill for an Act to locate a reformatory school on the State Prison grounds, near the town of Reno, in Washoe County, Nevada.

By Mr. Plummer:

I hereby give notice that I will at some future day introduce a bill to exempt mineral cabinets from taxation.

By Mr. Underwood:

I wish to give notice that I will to-morrow, or soon thereafter, ask leave to introduce a bill to amend an Act entitled "An Act to provide for the preservation of fish in the waters of this State," approved March 5, 1877.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Smith (of Storey) introduced Assembly Bill No. 1—An Act to provide for the taking care of the Insane of the State of Nevada.

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

Mr. Lane introduced Assembly Bill No. 2—An Act to amend an act entitled "An Act to secure liens to mechanics and others, and to repeal all other acts in relation thereto," approved March 2, A. D. 1875.

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

On motion of Mr. Smith (of Storey) Assembly Bill No. 2 was ordered printed.

Senate Concurrent Resolution, relative to printing Governor Bradley's Fourth Biennial Message, read.

Adopted.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., January 8, 1879. }

*To the Honorable the Assembly :*

I have the honor to return to your honorable body, Assembly Concurrent Resolution No. 3, the same having been amended and passed by the Senate this day.

GEO. I. LAMMON,  
Secretary of Senate.

Senate Amendment to Assembly Concurrent Resolution No. 3 was read and concurred in by the Assembly.

On motion of Mr. Harlow, at 12:50 P. M. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Clerk of the Assembly.

## FIFTH DAY.

CARSON CITY, January 10, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Davis.

Journals of the first, second and third days read and approved.

Report of Committee on Mileage read, and on motion of Mr. Mayhugh, the committee were allowed to withdraw the report for correction.

### COMMUNICATION FROM SECRETARY OF STATE.

OFFICE OF SECRETARY OF STATE, }  
CARSON CITY, NEV., January 10, 1879. }

*To the Honorable Assembly:*

In compliance with the requirements of Article iv, Section 35 of the Constitution, I have the honor to transmit herewith certain bills, which originated in the Assembly, and passed both houses at the last session, viz: Assembly Bills Nos. 145 and 157, said bills having been filed in my office within ten days after the final adjournment, together with the objections of his Excellency, the Governor, thereto.

Very respectfully,

JASPER BABCOCK,  
Secretary of State.

Mr. Mayhugh moved that Assembly Bill No. 157, of the eighth session of the Nevada Legislature, entitled an Act to provide for the payment of certain indebtedness of the County of Elko, State of Nevada, together

with the Governors Veto Message thereon, be made the special order for Friday the seventeenth inst., at twelve m.

Motion carried.

By Mr. Smith (of Eureka):

Assembly Concurrent Resolution No. 4, relative to the appointment of special joint committee to visit the insane and the deaf and dumb of the State of Nevada, in California.

Adopted.

By Mr. Mayhugh:

WHEREAS, An Act of Congress entitled an Act to regulate the time and manner of holding elections for United States Senators in Congress, approved July 25, 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 *viva voce* for a United States Senator, in accordance with the provisions of said Act, on Tuesday the fourteenth day of January, A. D. 1879, at twelve meridian of said day, to represent this State in the United States Senate, on and after the fourth day of March, twelve o'clock midnight of said day, 1879.

*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 for whom he desires to vote for Senator.

Adopted.

By Mr. Foulks:

*Resolved*, That all bills referred to Standing Committee shall be reported upon in five (5) days from the receipt of bills.

Lost.

By Mr. Shakespeare:

Assembly Concurrent Resolution No. 5, relative to the State Controller furnishing a statement of the assessed value of property in the State of Nevada, for each fiscal year since the organization of the State, and other matters relating thereto.

Lost.

#### COMMUNICATION FROM STATE CONTROLLER.

OFFICE OF THE STATE CONTROLLER, }  
CARSON CITY, January 10, 1879. }

To the Honorable the Assembly :

I have the honor to present herewith a list, with vouchers accompanying, of deficiency claims of the thirteenth and fourteenth fiscal years, as allowed by the State Board of Examiners; and ask that your honorable body will make the necessary appropriations for their speedy payment.

I remain respectfully,

J. F. HALLOCK,  
State Controller.

Referred to Committee on Claims.  
By Mr. Watt:

*Resolved*, That Mr. Watt (of Lander) be transferred from the Committee on Counties and County Boundaries to the Committee on Claims, in place of Mr. Eldred, and that Mr. Williams be placed upon the Committee on Counties and County Boundaries, and that Mr. Eldred be transferred to the Committee on Agriculture, in place of Mr. Williams.

Adopted.  
By Mr. Robinson:

*Resolved*, That from and after this date that no bills presented in the Assembly be ordered printed unless the same be reported on by the proper committees and ordered printed.

Adopted.  
By Mr. Smith (of Lyon):

*Resolved*, That all Clerks of this House except the Chief, Assistant, Minute and Journal Clerks, during the session of the House, shall, if requested by any member thereof, copy any bill not printed they may desire, if not otherwise engaged in their respective duties.

Resolution lost.  
Mr. Ferguson asked leave of absence for the 11th inst.  
Granted.

#### 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 table, showing the distance traveled by the several members of the Assembly, coming to and returning from the Capitol of the State, session of Legislature, 1879, viz.:

NAMES OF MEMBERS.	Miles.	Amounts.
<i>Churchill County.</i>		
Jackson Ferguson.....	214	\$85 60
<i>Douglas County.</i>		
Henry Vansickle.....	34	13 60
Thomas Irvine.....	54	21 60
<i>Esmeralda County.</i>		
C. P. Shakespeare.....	344	137 60
J. R. Eldred.....	351	140 40

NAMES OF MEMBERS.	Miles.	Amounts.
<i>Eureka County.</i>		
Thomas Robinson.....	814	325 60
Willian Wermuth.....	806	322 40
J. L. Smith.....	806	322 40
Fred. E. Fisk.....	806	322 40
<i>Elko County.</i>		
Benjamin Plummer.....	900	360 00
John S. Mayhugh.....	700	280 00
S. M. Beard.....	800	320 00
<i>Humboldt County.</i>		
O. P. Crawford.....	492	196 80
A. Morrison.....	300	120 00
D. Merlarkey.....	402	160 80
<i>Lander County.</i>		
John Smyth.....	714	285 60
T. E. Hagar.....	510	204 00
George Watt.....	714	285 60
<i>Lyon County.</i>		
W. E. Smith.....	54	21 60
Levi Lamb.....	60	24 00
H. Kennedy.....	60	24 00
<i>Lincoln County.</i>		
U. E. Allen.....	1,246	498 40
R. L. Wash (deceased).....	1,266	506 40
George Payton.....	1,246	498 40
<i>Nye County.</i>		
W. B. Taylor.....	1,006	402 40
J. T. Williams.....	1,006	402 40
<i>Storey County.</i>		
H. A. Gaston.....	44	17 60
J. P. Smith.....	44	17 60
John E. Allen.....	44	17 60
William Prisk.....	44	17 60
S. W. Powell.....	44	17 60

NAMES OF MEMBERS.	Miles.	Amounts.
<i>Storey County—Continued.</i>		
George E. Andrews.....	44	17 60
Ivy Fulton.....	44	17 60
Owen Fraser.....	44	17 60
J. C. Harlow.....	44	17 60
A. Lawson.....	44	17 60
Thomas Lane.....	44	17 60
J. P. Flannery.....	44	17 60
John L. Hanna.....	44	17 60
Daniel Lyons.....	44	17 60
<i>Washoe County.</i>		
J. P. Foulks.....	84	33 60
W. E. Price.....	20	8 00
E. E. Underwood.....	132	52 80
<i>White Pine County.</i>		
George W. Wilson.....	980	392 00
M. R. Lyon.....	886	354 40
Charles Green.....	1,014	405 60
M. S. Sharp.....	886	354 40

Respectfully submitted,

THOMAS ROBINSON, Chairman.

Adopted.

#### NOTICE OF BILLS.

Mr. Allen (of Lincoln) gave notice that he would, on some future day, introduce a bill for an Act entitled "An Act regulating the sale of poisons, drugs, medicines, and patent medicines."

Mr. Paton gave notice that he would, on some future day, introduce a bill for an Act to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other Acts in relation thereto," approved March 4, 1871.

Mr. Smith (of Eureka) gave notice that he would, on some future day, introduce a bill for 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 defining their duties."

Mr. Lane gave notice that he would, on some future day, introduce a bill for an Act for the relief of B. F. Wallace, late Deputy Assessor of Storey county.

## INTRODUCTION AND FIRST READING OF BILLS.

Senate Joint Memorial and Concurrent Resolution No. 1, relative to the regulation of Inter-State railroads.

Bill read first time, rules were suspended, read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith of Lyon, Smith of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—49.

NAYS—None.

Assembly Bill No. 145, of the eighth session of the Nevada Legislature, entitled "An Act for the relief of P. C. Hyman, ex-Warden of the State Prison," was, on motion of Mr. Smith (of Storey), made the special order for Monday next, the thirteenth instant, at twelve m.

## SECOND READING OF BILLS.

Senate Joint Resolution No. 2, instructing Senators Jones and Sharon to vote in favor of the Anti-Discrimination Act, read second time, and on motion of Mr. Mayhugh the rules were suspended, read a third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hager, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith of Lyon, Smith of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—48.

NAYS—None.

Absent—Mr. Lane.

By Mr. Plummer:

Assembly Bill No. 3—An Act to encourage the collection and classification of the various minerals, ores, fossils and other specimens placed and used in the public and private cabinets in the State of Nevada.

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

By Mr. Mayhugh:

Assembly Bill No. 4—An Act supplementary to "An Act to provide for the selection of Lands that have been, or may hereafter be, granted by the United States to the State of Nevada," approved March 5, 1873.

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

By Mr. Mayhugh:

Assembly Bill No. 5—An Act to amend an Act supplementary to an Act entitled "An Act to regulate the settlement of the estates of deceased persons," approved November 29, 1861.

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

By Mr. Smith (of Eureka):

Assembly Bill No. 6—An Act to amend an Act entitled "An Act to amend section 1 of an Act to amend an Act passed by the Legislature of the Territory of Nevada, entitled 'An Act to provide for the appointment of Notaries Public, and defining their duties,'" approved February 9, 1864, approved March 20, 1865, approved February 9, 1866, approved March 13, 1867.

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

On motion of Mr. Allen (of Storey) at one o'clock and five minutes p. m., the House adjourned until Monday, the thirteenth inst.

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest:

J. M. WOODWORTH,

Chief Clerk of the Assembly.

## EIGHTH DAY.

CARSON CITY, NEV., January 13, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Howe and Plummer.

Prayer by the Rev. Mr. Hammond.

Mr. Mayhugh asked leave of absence for himself and Messrs. Plummer and Davies, for one day.

Leave granted.

Mr. Gibson asked leave of absence for Mr. Howe, for one day.

Leave granted.

Journal of the fifth day read and approved.

## REPORT OF SELECT COMMITTEE ON ROOMS.

*To the Honorable the Speaker and Members of the Assembly of Nevada :*

Your Special Committee, to whom was committed the duty of procuring suitable rooms for use of clerks and standing committees of the Assembly, beg leave to report that they have secured rooms convenient to capital building for use of . . . . . Engrossing, Enrolling and Copying Clerks, at a total expense of fifty dollars per month, which said committee think reasonable. We have also agreed to allow twelve dollars and fifty cents (\$12.50) per month for room rent for Journal Clerk, for us of Standing Committees. We have located the Judiciary Committee in the room of Superintendent of Public Instruction; the Ways and Means, adjoining the State Controller's office; on Corporations and Railroads, adjoining the Attorney-General's office, and these committee rooms must always be at the disposal of other standing committees, when not occupied by the above-named committees.

H. VANSICKLE,  
J. P. FOULKS,  
W. E. SMITH.

Mr. Allen (of Lincoln) moved that the report of Select Committee on Rooms be so amended that the Judiciary Committee be allowed for their room the law office of Mr. Davies.

Motion lost, and the report of the committee adopted.

## RESOLUTIONS.

By Mr. Allen (of Lincoln):

WHEREAS, God, in his infinite wisdom, has taken from us a worthy and esteemed member, Robert L. Wash, of Lincoln County, therefore

*Resolved*, That in respect for his memory, this Assembly Chamber shall remain draped in mourning for the space of fifteen days from the day of his decease.

Adopted.

By Mr. Robinson:

*Resolved*, That all resolutions heretofore passed by the Assembly relating to printing of bills be hereby rescinded.

Adopted.

By Mr. Beard:

Assembly Concurrent Resolution No. 8, relative to the State Orphans' Home.

Read and adopted.

## NOTICES OF BILLS.

Mr. Morrison gave notice that he would on to-morrow or some future

day introduce a bill entitled "An Act to amend an Act to regulate compensation of official and other services," approved March 9, 1865.

Mr. Gaston gave notice that he would at an early day introduce a bill entitled "An Act to regulate fares and freights upon railroads whose lines are wholly or in part within the State of Nevada."

Mr. Taylor gave notice that he would on to-morrow or some future day introduce a bill entitled "An Act to create the office of State Printer, define the duties and compensation thereof, and to provide for the time and manner of election."

#### INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Allen (of Lincoln):

Assembly Bill No. 7—An Act regulating the sale of poisons, drugs, medicines and patent medicines.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Trades and Manufactures.

By Mr. Paton:

Assembly Bill No. 8—An Act to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other acts in relation thereto."

Bill read first time, rules suspended, read second time by title, and referred to the Judiciary Committee, and ordered printed.

#### SPECIAL ORDER.

Mr. Smith (of Storey) moved to take up special order, viz., Assembly Bill No. 145 of the eighth session entitled "An Act for the relief of P. C. Hyman, ex-Warden of the State Prison."

The bill read; also, the Governor's veto message thereon.

The question being, shall the bill pass notwithstanding the objections of the Governor, Mr. Morrison moved that the bill be made the special order for the twentieth instant at 12 m.

Mr. Shakespeare raised the point of order that no motion can be made except a motion for the previous question.

Mr. Speaker decided the point well taken, and ruled the motion out of order.

Roll called, and Assembly Bill No. 145 of the eighth session passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyon, of White Pine, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Wermuth, Wilson, and Mr. Speaker—37.

NAYS—Messrs. Allen, of Storey, Hagar, Lane, Lyons, of Storey, Shakespeare, Smyth, of Lander, Watt, Williams—8.

Absent—Messrs. Davis, Howe, Mayhugh, Plummer—4.

On motion of Mr. Allen (of Lincoln), at 12:13 P. M. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## NINTH DAY.

CARSON CITY, January 15, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll call. All members present.

Prayer by the Rev. Mr. Hammond.

Journal of eighth day read and approved.

## PETITIONS.

By Mr. Fisk:

A petition from the citizens of Eureka, against the repeal of the Drummers' License and the Attachment Laws.

Read and referred to the Judiciary Committee.

By Mr. Robinson:

A petition from the citizens of Pioche against the repeal of the Drummers' Law and the Attachment Law.

Read and referred to Judiciary Committee.

By Mr. Hager:

A petition from citizens of Battle Mountain against the repeal of the Drummers' Law and the Attachment Law.

Referred to the Judiciary Committee.

## RESOLUTIONS.

By Mr. Lyons (of Storey):

*Resolved*, whereas, a joint resolution expressive of the wishes of the Senate and Assembly in regard to the Regan Anti-discrimination Railroad Bill, now pending in the United States Senate, was passed on the tenth instant; one clause of said joint resolution directing its immediate telegraphic transmission by the Governor to Senators Jones and Sharon;

and, whereas, it now appearing that said joint resolution has not yet been transmitted to his Excellency the Governor, and that consequently the clearly expressed will of both Houses of this Legislature has been defeated either through chicanery or gross negligence; therefore,

*Be it resolved*, that a Committee of three be appointed by the Speaker to forthwith investigate the causes of the said delay, and to report to the House at their earliest convenience.

Read and adopted.

By Mr. Allen (of Storey):

*Resolved*, that the several County Delegations be seated as near together as possible; and the arrangement of the seats to be left to the Sergeant-at-Arms.

Lost.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, January 10, 1879. }

*To the Honorable the Assembly:*

I have the honor to transmit for the consideration of your honorable body Senate Joint Memorial and Resolution No. 3, relative to Chinese Immigration, the same having passed the Senate this day by the following vote: Yeas, 24; nays, 1.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

SENATE CHAMBER,  
CARSON CITY, January 13, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for your consideration Senate Joint Resolution No. 4, relative to granting pensions to the Veterans of the Mexican War, the same having passed the Senate this day by the following vote: Yeas, 25; nays, 0.

Also, Senate Concurrent Resolution, No. 8, relative to appointing Committee to visit the Insane and Deaf and Dumb Asylums, which passed the Senate this day.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

SENATE CHAMBER,  
CARSON CITY, January 13, 1879. }

*To the Honorable the Assembly:*

I have the honor to transmit for the consideration of your honorable body Senate Concurrent Resolution No. 4, relative to Printing the State Reports, the same having been this day adopted by the Senate.

Also, Concurrent Resolution, No. 6, relative to the time and manner of electing a United States Senator, which was this day adopted by the Senate.

Also, Assembly Joint Memorial and Resolution No. 2, instructing

our Senators to vote for the bill now pending in the Senate of the United States regulating Freights and Fares on Inter-state Railways, which was this day indefinitely postponed by the Senate.

THEO. S. DAVENPORT,  
Assistant Secretary of the Senate.

#### NOTICES OF BILLS.

Mr. Wm. Wermuth gave notice that he would, on some future day, introduce a bill for an Act to amend an Act entitled "An Act to provide for the support of the government of the State of Nevada," approved March 9, 1865.

Mr. Allen (of Lincoln) gave notice that he would, on some future day, introduce a bill for an Act to restrict gaming, and to repeal all other Acts in relation thereto.

Mr. Wilson gave notice that he would, on some future day, introduce a bill for an Act to provide for the redemption of property sold for taxes.

Mr. Smith (of Lyon) gave notice that he would, on some future day, introduce a bill to amend an Act entitled, "An Act to provide for the maintenance and supervision of Public Schools."

Mr. Robinson gave notice that he would, on some future day, introduce a bill for an Act to amend an Act entitled "An Act to provide for the registration of the names of electors, and to prevent fraud at elections," approved March 5, 1869.

Introduction and first reading of bill by Mr. Underwood. Assembly Bill No. 9—An Act amendatory of an Act supplementary to an Act to provide for the preservation of fish in the waters of this State, approved March 5, 1877.

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

Senate Concurrent Resolution No 8—Relative to the appointment of a Joint Committee to visit the insane, deaf, dumb and blind asylums in California.

Read and referred to the Committee on Claims.

Senate Concurrent Resolution No. 6.—Relative to holding a Joint Convention for the election of a United States Senator.

Adopted.

Senate Concurrent Resolution No. 9—Relative to Printing State Reports.

Adopted.

Senate Joint Resolution No. 4—Relative to granting pensions to the surviving veterans of the Mexican War.

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

Senate Joint Memorial and Resolution No. 3.—In relation to the further Immigration of Chinese.

Read first time, rules suspended, read second time by title, and referred to the Committee on Federal Relations, with instructions to report at their earliest convenience.

## COMMUNICATIONS FROM SECRETARY OF STATE.

STATE OF NEVADA, SECRETARY OF STATES OFFICE, }  
CARSON CITY, January 8, 1879. }

*To the Honorable Assembly:*

I herewith refer to your honorable body a proposed amendment to the Constitution of the State of Nevada, which passed both houses of the last session of the Legislature as follows:

*Resolved*, By the Assembly, the Senate concurring, that Article Eleven (11) of the Constitution of the State of Nevada, be amended by adding to said Article Eleven (11), Section Ten (10) thereto, which shall read as follows:

Section 10—No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purposes.

Yours respectfully,

JASPER BABCOCK,  
Secretary of State.

STATE OF NEVADA, OFFICE OF SECRETARY OF STATE, }  
CARSON CITY, January 8, 1879. }

*To the Honorable Assembly:*

I herewith refer to your Honorable Body a proposed amendment to the Constitution of the State of Nevada, which passed both houses at the last session of the Legislature, as follows:

WHEREAS, By the second section of Article I of the Constitution of this State, it is explicitly declared that the paramount allegiance of every citizen is due to the Federal Government, and that no power exists in the power of the people of this or any other State of the Federal Government, to dissolve their connection therewith, or perform any act tending to impair, subvert or resist the supreme authority of the Government of the United States, and whereas the Constitution of the United States has been so amended as to confer upon all native born citizens of this Republic, irrespective of color, race or previous condition of servitude, a condition of full and exact equality; and whereas, the Constitution of this State, as it now reads, is not in harmony with the amended Constitution of the United States, therefore, be it Resolved, by the Assembly, conjointly with the Senate, that Section one (1) of Article two (2) of the Constitution of this State shall be amended by the elimination therefrom of the word "white," and the effect of such elimination shall be that no male citizen of the United States shall be excluded from the rights of suffrage and office-holding by reason of his race, color, or previous condition of servitude, provided, that this amendment shall not be construed as conferring the rights of naturalization, suffrage and office-holding upon any native of the Chinese Empire, and be it further

*Resolved*, That there shall be added to the present Constitution of this State, an Article to be called and known as Article XVIII, and which shall be as follows:

Article XVIII.—The rights of suffrage and office-holding shall not be

withheld from any male citizen of the United States by reason of his color or previous condition of servitude.

Very respectfully,

JASPER BABCOCK,  
Secretary of State.

Assembly Joint Resolutions of the eighth session amending Article XI of the Constitution as per communications of Secretary of State, were, on motion of Mr. Mayhugh, made the special order for Thursday, the sixteenth instant, at 12 m.

There being no objection, the Speaker at 11:54 A. M. declared a recess for five minutes.

House in session at 11:59 A. M.

Mr. Speaker in the chair.

Mr. Speaker announced the appointment of Messrs. Lyons (of Storey), Smith (of Lyon), and Hagar, a Committee of Investigation as per resolution relative to the whereabouts of Senate Joint Resolution instructing Senators Jones and Sharon to vote for the Regan Anti-Discrimination Act.

#### ELECTION OF UNITED STATES SENATOR.

In accordance with an Act of Congress entitled An Act to regulate the time and manner of holding elections for United States Senators, approved July 25, 1866, the Assembly proceeded to the election of a United States Senator to succeed the Hon. John P. Jones, whose term of office expires March 4, 1879.

Mr. Allen (of Lincoln) nominated J. P. Jones, present incumbent.

Mr. Allen (of Storey) seconded the nomination.

Mr. Davies nominated A. M. Hillhouse, of Eureka County.

The nomination seconded by Mr. Williams.

There being no further nominations, they were declared closed.

Roll called with the following result:

For John P. Jones—Messrs. Allen (of Lincoln), Allen (of Storey), Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hanna, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons (of Storey), Lyon (of White Pine), Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Wermuth, Wilson, Speaker—41.

For A. M. Hillhouse—Messrs. Davies, Eldred, Green, Hagar, Irvine Smyth, of Lander, Watt, Williams—8.

On motion of Mr. Foulks, at 12:14 P. M. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## TENTH DAY.

CARSON CITY, Wednesday, January 15, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Hammond.

Journal of the ninth day read and approved.

## PETITIONS.

Mr. Speaker presented a petition from T. M. McGown, of Esmeralda County, contesting the seat in the Assembly now occupied by J. R. Eldred.

On motion of Mr. Mayhugh, the petition, with the papers accompanying the same, referred to the Committee on Elections.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to whom was referred Assembly Bill No. 6, 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, approved March 13, 1867, beg leave to report that they have had the same under consideration, and have made some amendments thereto, and directed their Chairman to report the same back with the recommendation that said bill do pass as amended:

Amend Section 1, tenth line, after the words "Eureka county" strike out the word "twelve," and insert, in lieu thereof, the word "ten." Immediately following the word "ten," and before the word "and," in the eleventh line of said section, insert the words, "Elko county," "twelve."

All of which is most respectfully submitted.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Standing Committee on Federal Relations have had Senate Joint Memorial and Resolution No. 3 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass, and that the House bill on the same subject be laid on the table.

S. M. BEARD, Chairman.

## REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Committee appointed to investigate the delay or neglect in transmitting Senate Concurrent Resolution No. 2 to the Governor, instructing Senators Jones and Sharon to vote for the passage of the bill now pending in the Senate of the United States, known as the Reagan Anti-Discrimination Act, do find that the same was given to the Secretary of the Senate on the tenth instant, immediately after its passage, by the Clerk of the Assembly; and your Committee also find that the said resolution has been kept by the Secretary of the Senate in his possession until yesterday, the fourteenth instant, when it was given by him to the Enrolling Clerk of the Senate, in whose possession it was last evening.

DAN. LYONS, Chairman.

Report adopted and Committee discharged.

## MOTIONS AND RESOLUTIONS.

*By Mr. Robinson:*

*Resolved*, That the Sergeant-at-Arms be, and is hereby authorized and instructed to procure suitable waste baskets for the use of the Assembly—one basket for every four members; the bill to be audited by the Committee on Contingent Expenses, and paid out of the Contingent Fund of the Assembly.

Adopted.

*By Mr. Mayhugh:*

Assembly Joint Resolution No. 8, relative to public lands donated to the State of Nevada by the United States Government, for college purposes.

Bill read first time.

## NOTICES OF BILLS.

Mr. Fulton gave notice that he would, at an early day, introduce a bill entitled an Act to amend an Act entitled "An Act relating to elections," approved March 12, 1873.

Mr. Allen (of Lincoln), gave notice that he would on some future day introduce a bill for an Act entitled An Act supplementary to an Act entitled an Act for the government and maintenance of the "State Orphan's Home," approved March 1, 1873, and providing for the admission to said Home of certain children, in addition to the orphans and half-orphans named in said Act.

Mr. Powell gave notice that he would on some future day introduce a bill for 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," approved March 5, 1877.

Mr. Howe gave notice that he would on some future day introduce a bill entitled "An Act granting the consent of the Legislature of the State of Nevada to the United States Government to purchase land for the site of a public building, designed to accommodate the United States Courts, postal, land, and revenue offices.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Crawford, by leave, introduced Assembly Bill No. 10, entitled "An Act to regulate gaming."

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

Mr. Robinson asked leave of absence for the balance of the day.

Granted.

Mr. Lane introduced Assembly Bill No. 11, entitled "An Act for the relief of Benj. F. Wallace."

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

Mr. Mayhugh, by leave, introduced Assembly Bill No. 12, entitled "An Act to provide for the districting of the several counties of this State into Commissioner Districts to define their boundaries and regulate the election of Commissioners thereof."

Read first time, rules suspended, read second time by title, and referred to Committee on Counties and County Boundaries, and four hundred and eighty copies ordered printed.

## GENERAL FILE.

Senate Joint Memorial and Resolution No. 3, relative to the further immigration of Chinese.

Read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—47.

NAYS—Mr. Melarkey—1.

ABSENT—Mr. Robinson.

Mr. Smith (of Storey) moved that a committee of three be appointed to wait on the Senate and inform that honorable body that the Assembly is ready to meet them in Joint Convention.

Motion carried, and Messrs. Smith (of Storey), Foulks and Kennedy appointed such committee.

In time committee returned, accompanied by the Senate.

## IN JOINT CONVENTION.

President of the Senate in the chair.

Roll of Senate called. Quorum present.

Roll of Assembly called. Quorum present.

Secretary of Senate read the Senate Journal of the fourteenth instant, relative to the election of United States Senator.

Chief Clerk of the House read the Assembly Journal of the fourteenth instant, relative to the election of United States Senator; and it appearing from the reading of the Journals of both Houses that the Hon. John P. Jones received a majority of the votes, the President of the Joint Convention declared him duly elected United States Senator from the State of Nevada, for the term of six years, from the fourth day of March, A. D. 1879.

On motion of Mr. Cassidy, at 12:20 P. M., the Joint Convention adjourned *sine die*.

## HOUSE IN SESSION.

Mr. Speaker in the chair.

### GENERAL FILE.

Assembly Bill No. 6.—An Act to amend an Act entitled “An Act to amend section one (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 defining their duties,” approved February 9, 1864; approved March 20, 1865; approved February 9, 1866; approved March 13, 1867.

Amendments reported by committee adopted, and the bill ordered engrossed.

Mr. Mayhugh moved that the Sergeant at Arms be authorized to purchase a stove for the room occupied by the Committee on Federal Relations.

Motion carried.

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

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## ELEVENTH DAY.

CARSON CITY, Thursday, January 16, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Allen, of Story, Eldred, Fulton, Robinson and Wermuth.

Prayer by the Rev. Mr. Hammond.

Journal of the tenth day read and approved.

#### REPORT OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have carefully compared Assembly Bill No. 6 with the original, and find the same correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker:*

Your Standing Committee on Ways and Means have had Assembly Bill No. 3 under consideration, and beg leave to report favorably on the same, with the recommendation that the words after "township purposes" be stricken out, to wit: "and from execution and levy under the laws of this State."

J. P. FOULKS, Chairman.

*Mr. Speaker:*

Your Standing Committee on Claims, to whom was referred Senate Concurrent Resolution No. 8, beg leave to report that they have had the same under consideration, and have directed their chairman to report the same to the House, and recommend that it do pass.

B. L. PLUMMER, Chairman.

*Mr. Speaker:*

Your Committee on Trades and Manufactures have had Assembly Bill No. 7 under consideration, and recommend the following amendments, to wit:

Section 1 to be amended as follows: After the word "the" (being the fifth word in the ninth line of said section), and before the word "vial" immediately following, insert the words "label so affixed to said."

The word "five" in the sixteenth line to be erased, and the word "twenty-five" substituted in lieu thereof.

The words "one hundred" in the seventeenth line to be erased, and the words "two hundred and fifty" substituted in lieu thereof.

Section 3 to be amended as follows: The word "ten" in the fifth line to be erased, and the word "fifty" substituted in lieu thereof.

The word "one" in the sixth line to be erased, and the word "five" substituted in lieu thereof.

The word "four" in the fourteenth line to be erased, and the word "ten" substituted in lieu thereof.

With these amendments your committee report favorably upon said bill, and recommend that it do pass.

S. W. POWELL, Chairman.

#### NOTICES OF BILLS.

Mr. Prisk gave notice that he would, on some future day, introduce  
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a bill for an Act to define the duties and liabilities of pawn-brokers and pledgees.

Mr. Lyons (of Storey) gave notice that he would, on some future day, introduce a bill to amend Section 128 of an Act entitled "An Act to regulate proceeding in civil cases in the Courts of Justice of this State, and to repeal all other Acts relative thereto," approved March 8, 1869.

Mr. Gaston gave notice that he would, on to-morrow or some future day, introduce a bill for an Act entitled "An Act to create the office of Official Reporter of District Courts.

#### SECOND READING OF BILLS.

Assembly Joint Resolution No. 8, relative to public lands donated to the State of Nevada for college purposes.

Read second time, and referred to Committee on Federal Relations.

Mr. Hanna asked leave of absence for Mr. Fulton for one day.

Granted.

Mr. Mayhugh asked leave of absence for Mr. Eldred for two days.

Granted.

Mr. Smith (of Eureka) asked leave of absence for Messrs. Robinson and Wermuth for one day.

Granted.

Mr. Andrews asked leave of absence for Mr. Allen (of Storey) for one day.

Granted.

#### INTRODUCTION OF BILLS.

By Mr. Powell:

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to amend section 4 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 March 5, 1877.

Bill read first time, rules were suspended, read second time by title, and referred to Judiciary Committee.

By Mr. Allen (of Lincoln):

Assembly Bill No 14—An Act supplementary to an Act entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873, and providing for the admission to said Home of certain children in addition to the orphans and half orphans named in said Act.

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

By Mr. Wilson:

Assembly Bill No. 15—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.

Bill read first time, rules were suspended, read second time by title, referred to the Judiciary Committee, and ordered printed.

Mr. Mayhugh, by leave, introduced Assembly Bill No. 16—An Act to authorize the Board of County Commissioners of Elko County, to issue bonds of said county for the purpose of erecting a County Hospital, and to provide for the payment of the same.

Bill read first time, rules were suspended, read second time by title, and referred to the Elko County Delegation.

Mr. Allen (of Storey), by leave, introduced Assembly Bill No. 17—An Act to amend an Act entitled "An Act fixing the number of officers and employees of the Senate and Assembly, to define their duties, and to establish their pay."

Read first time.

Mr. Allen (of Storey) moved the suspension of the rules, the bill be read second time by title, rules further suspended, and the bill placed on its third reading and final passage.

Motion lost.

By Mr. Howe:

Assembly Bill No. 18—An Act pranting the consent of the Legislature of the State of Nevada to the United States, to purchase land for the site of a public building.

Read first time.

Mr. Howe moved the suspension of the rules, the bill read second time by title, the rules be further suspended, and the bill placed on its third reading and final passage.

Mr. Fisk moved to amend that the rules be suspended, the bill be read a second time by title, and referred to Judiciary Committee.

Amendment adopted.

Assembly Bill No. 18 read second time by title, and referred to the Judiciary Committee.

By Mr. Gaston:

Assembly Bill No. 19—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 were suspended, read second time by title, referred to the Committee on Corporations and Railroads, and ordered printed.

#### THIRD READING OF BILLS.

Assembly Bill No. 6—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 defining their duties,'" approved February 9, 1864, approved March 20, 1865, approved February 9, 1866, approved March 13, 1867.

Read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—45.

NAYS—none.

Absent—Messrs. Eldred, Fulton, Robinson and Wermuth.

## SPECIAL ORDERS.

Amendments to the Constitution of the last session of the Legislature of the State of Nevada, as per communication of Secretary of State, in Journal of fourteenth inst., were taken up.

Amendment to Article II, by adding an additional section thereto.  
Read, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—47.

NAYS—none.

Absent—Messrs. Eldred and Fulton.

Amendment to Section one (1) Article two (II) of the Constitution, and the additional Article known as Article XVIII, adopted as per communications of Secretary of State, were read and adopted by the following vote.

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

NAYS—Mr. Davies—1.

Absent—Messrs. Eldred and Fulton.

Senate Concurrent Resolution No. 8, relative to the appointment of a Joint Committee to visit the insane and deaf and dumb of Nevada, in the State of California.

Adopted.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEVADA, January 14, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your honorable body Senate Concurrent resolution No. 8, relative to a State Bureau of Labor.

Also, return to your honorable body Assembly Concurrent Resolution No. 6, which passed the Senate this day by a unanimous vote.

Also, Assembly Concurrent Resolution No. 7, which passed the Senate this day by a unanimous vote.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

SENATE CHAMBER,  
CARSON CITY, NEVADA, January 15, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your honorable body Senate Concurrent Resolution No. 9, relative to printing report of State Mineralogist, the same having been adopted by the Senate this day.

Also, Senate Bill No. 13—An Act concerning the use of the Legislative Halls, in the Capitol Building, which passed the Senate this day by the following vote: Yeas, 18; nays, 4.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Senate Concurrent Resolution No. 8, relative to a State Bureau of Labor.

Read and adopted.

Senate Concurrent Resolution No. 9, relative to printing the report of State Mineralogist.

Read and adopted.

Senate Bill No. 13—An Act concerning the use of the Legislative Halls, in the Capitol Building.

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

On motion of Mr. Allen (of Lincoln), at twelve o'clock and twenty minutes p. m., the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk Assembly.

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## TWELFTH DAY.

CARSON CITY, Friday, January 17, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Eldred and Lyons (of Storey).

Prayer by the Rev. Mr. Hammond.

Journal of the eleventh day read and approved.

Mr. Speaker announced the Committee on part of the Assembly to

visit the insane and the deaf and dumb, as per Senate Concurrent Resolution No. 8, as follows:

*Gentlemen:*

Before proceeding to call the regular order of business, I think it proper to announce the members of the Assembly whom I appoint on the Joint Committee to visit our insane at Stockton, and our deaf and dumb, at Oakland, California, in obedience to the requirements of the concurrent resolution upon that subject, which passed both Houses of this Legislature. The appointment of this committee is a matter which I would gladly avoid, if I could do so consistently with my duties; for of the thirty (30) or more gentlemen of the Assembly, including several chairmen of the standing committees of the House, there is not one whom I would not gladly appoint, and not one, I think, but would reflect credit upon that committee. But my reflection upon this matter has brought me to the conclusion that to appoint the chairman of any standing committee upon this visiting committee would be improper, as it would have a tendency to impede the legislative action of the Assembly; and I have come to the further conclusion that it is my duty to appoint upon the committee gentlemen whom this body can more easily spare, at present, from its councils, and retain the more necessary members among us. As a matter of justice to the Democratic members of the House, I gave to those honorable gentlemen the privilege of naming one of their number to represent them upon this committee, and they have requested me, in writing, to give the position to Mr. Green, of White Pine County. Mr. Smith, of Eureka, introduced into the Assembly a concurrent resolution to the same effect as the one adopted by both Houses; and parliamentary usage and custom would require that he be appointed on the committee; and as, in the opinion of the chair, he and the Hon. Thomas Lane, of Storey, can be more easily spared, for a few days, from the councils of this body than any other members, except perhaps the present occupant of the chair, I have determined to appoint the honorable gentlemen last named upon the committee. The members of the committee from this House to visit our insane, at Stockton, and our deaf and dumb, at Oakland, therefore, will consist of the Hon. Mr. Smith, of Eureka County, Hon. Mr. Lane, of Storey, and Hon. Mr. Green, of White Pine.

Mr. Andrews asked leave of absence for Mr. Lyons, of Storey, for one day.

Granted.

#### MOTIONS AND RESOLUTIONS.

Mr. Wilson asked leave to have Assembly Bill No. 15, introduced by him yesterday, and referred to the Judiciary Committee, reported back by said committee, and re-referred to the Committee on Ways and Means. So ordered.

By Mr. Lane:

*Resolved*, that the Chairmen of the several Committees be authorized to post a notice of the time of meeting of their respective committees on

the bulletin board in the lobby each day, immediately after this House adjourns.

Adopted.

#### NOTICES OF BILLS.

Mr. Plummer gave notice that he would at some future day introduce a bill entitled an Act to amend an Act entitled "An Act to regulate proceedings in civil cases in the courts of justice of this State, and to repeal all Acts in relation thereto;" approved March 8, 1869.

Mr. Howe gave notice that he would at some future day introduce a bill amendatory of the School Law of the State of Nevada.

Mr. Beard gave notice that he would on some future day introduce a bill to regulate the sale of gold and silverwares.

Mr. Powell asked leave to have Assembly Bill No. 13 reported back to the House from the Judiciary Committee, and that the bill be referred to the Committee on Ways and Means.

So ordered.

#### SECOND READING OF BILLS.

Assembly Bill No. 17—An Act to amend an Act entitled "An Act fixing the number of officers and employees of the Senate and Assembly, to define their duties and establish their pay."

Read second time and referred to the Judiciary Committee.

#### INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Prisk:

Assembly Bill No. 20—An Act to define the duties and liabilities of Pawnbrokers and Pledgées.

Bill read first time, rules suspended, read second time by title and referred to the Judiciary Committee, and ordered printed.

By Mr. Smith (of Lyon):

Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to provide for the maintenance and supervision of our Public Schools;" approved March 20, 1865; approved March 8, 1867; approved March 5, 1869; approved March 7, 1873; approved March 5, 1877.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Education.

Mr. Melarkey, by leave, introduced Assembly Bill No. 22—An Act to provide for the compensation of witnesses in criminal cases.

Bill read first time, rules suspended, read second time by title, referred to the Judiciary Committee, and ordered printed.

Mr. Hanna, by leave, introduced Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians.

Read first time.

Mr. Hanna moved to suspend the rules.

Bill read a second time by title, referred to Committee on Ways and Means, and ordered printed.

Mr. Mayhugh moved to amend by referring the bill to the Judiciary Committee.

Amendment adopted.

Bill read second time by title, and referred to Judiciary Committee.

Mr. Allen (of Storey), by leave, introduced Assembly Bill No. 24—An Act to amend an Act entitled "An Act for the government and maintenance of the State Orphan's Home;" approved March 1, 1873.

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

Mr. Allen (of Lincoln) introduced Assembly Bill No. 25—An Act to restrict gaming, and to repeal all other Acts in relation thereto.

Bill read first time, rules suspended, read second time by title, and referred to a select committee of one (1) member from each county, and ordered printed.

Mr. Allen (of Lincoln) moved that all bills of a like nature be referred to such special committee.

Motion carried.

Assembly Bill No. 25—Read a second time by title, and referred to the following select committee, consisting of Messrs. Allen (of Lincoln), Wermouth, Mayhugh, Morrison, Taylor, Shakespeare, Davies, Fraser, Foulks, Wilson, Hager, Vansickle, Lamb, and Ferguson.

#### SPECIAL ORDER.

Assembly Bill No. 157 of the eighth session of the Legislature entitled "An Act to provide for the payment of certain indebtedness of the county of Elko, State of Nevada," was taken up and read, together with the Governor's veto message thereon.

The question being, shall the bill pass notwithstanding the objections of the Governor, roll called, and the Assembly refused to pass the bill by the following vote:

YEAS—None.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

Absent—Messrs. Eldred, Lyons, of Storey, and Price.

By Mr. Wilson:

Assembly Bill No. 26—An Act to repeal an Act entitled "An Act to restrict gaming," passed March 4, 1869; approved March 4, 1875; approved February 28, 1877.

Bill read first time, rules suspended, read second time by title, and referred to the Special Committee.

Mr. Allen (of Lincoln), by leave, introduced Assembly Bill No. 27—An Act to protect the Orphans' Home against loss or damage by fire.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

## GENERAL FILE.

Assembly Bill No. 3—An Act to encourage the collection and classification of the various minerals, ores, fossils, and other specimens, placed and used in the public and private cabinets in the State of Nevada.

Referred to the Committee of the Whole.

Assembly Bill No. 7—An Act regulating the sale of poisons, drugs, medicines, and patent medicines.

Amendments reported by committee adopted, and the bill ordered engrossed.

Mr. Mayhugh moved to adjourn.

Motion lost.

Mr. Underwood moved that the Assembly adjourn until Monday, the twentieth instant.

Motion carried.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## FIFTEENTH DAY.

CARSON CITY, Monday, January 20, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Green, Lane, Smith, of Eureka.

Prayer by the Rev. Mr. McClain.

Journal of the twelfth day read.

Mr. Foulks moved that the language used by the Chair in the appointment of Joint Committee on the part of the Assembly, to visit the insane and the deaf and dumb, up to the mentioning of the names of the said committee, be stricken out.

Motion lost, and the Journal was approved as read.

The Speaker announced the appointment of Mr. Howe on the Committee on Education, and Mr. Sharp on the Committee on Public Lands, in place of Mr. Wash (deceased).

Also, the appointment of Messrs. Beard and Kennedy as a Joint Committee on part of the House, as per Assembly Concurrent Resolution No. 7, relative to the appointment of committee to investigate into the management of the State Orphans' Home.

Also the appointment of Messrs. Fisk and Smith (of Storey) as

Joint Committee on part of the House, as per Senate Concurrent Resolution No. 8, relative to a State Bureau of Labor.

#### REMONSTRANCES.

Mr. Smith (of Storey) presented a remonstrance from citizens of Virginia City, against the repeal of the Drummers' License Act, and the Attachment laws.

Read and referred to the Judiciary Committee.

Mr. Plummer presented a remonstrance from the citizens of Cornucopia, on the same subject.

Read and referred to the Judiciary Committee.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Enrollment, beg leave to submit the following report: They have carefully examined Assembly Concurrent Resolution No. 1—Informing the Governor that both houses were organized, and ready for business.

Also, Assembly Concurrent Resolution No. 3—In regard to printing Governor's Inaugural Address.

Also, Assembly Concurrent Resolution No. 6—In regard to printing Senate Memorial in relation to Inter-State Commerce.

Also, Assembly Concurrent Resolution No. 7—Relating to appointment of Committee of Investigation of Orphans' Home, and have found the same correctly enrolled, and have filed the same with the Secretary of State.

DANIEL LYONS, Chairman.

*Mr. Speaker :*

Your Committee on Federal Relations have had Senate Joint Resolution No. 4 under consideration, and beg leave to report favorably on the same, with the recommendation that the same do pass.

S. M. BEARD, Chairman.

*Mr. Speaker :*

Your Committee on Federal Relations have had Assembly Joint Resolution No. 8 under consideration, and beg leave to report favorably on the same, with the recommendation that the same do pass.

S. M. BEARD, Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Foulkes moved that the Speaker appoint a committee of three (3) to wait on Hon. H. R. Mighels, and tender him the use of the Assembly Chamber this Monday evening, in which to deliver his lecture on the subject of Taxation and the Resources of the State of Nevada.

Motion carried.

Messrs. Foulks, Hanna and Irvine appointed as such Committee.

By Mr. Mayhugh:

Assembly Joint Resolution No. 9—In relation to the Indian Tribes of North-eastern Nevada.

Bill read first time, rules were suspended, read second time by title.

#### NOTICE OF BILLS.

Mr. Davies gave notice that he would, on some future day, introduce a bill to provide a supply of water for the State capital building and grounds, and the State Orphans' Home and grounds.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Smith (of Storey), by leave, introduced Assembly Bill No. 28—An Act for the relief of Jerry Schooling, late State Treasurer.

Bill read first time, rules were suspended, read second time by title, and referred to the Committee on Claims.

Mr. Lawson, by leave, introduced Assembly Bill No. 29—An Act amendatory of and supplementary to an Act entitled "An Act relating to Elections," approved March 12, 1873, approved March 12, 1875.

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

Mr. Fulton introduced Assembly Bill No. 30—An Act to amend an Act entitled "An Act relating to Elections," approved March 12, 1873.

Bill read first time, rules were suspended, read second time by title, ordered printed and referred to the Committee on Elections.

Mr. Plummer introduced Assembly Bill No. 31—An Act to amend an Act 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," approved March 8, 1869.

Bill read first time, rules were suspended, read second time by title, ordered printed, and referred to Judiciary Committee.

Mr. Robinson introduced Assembly Bill No. 32—An Act to amend an Act entitled "An Act to provide for the registration of the names of electors, and to prevent fraud at elections," approved March 5, 1869.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Elections.

Mr. Smith (of Storey), by leave, introduced Assembly Bill No. 33—An Act supplemental to an Act entitled "An Act to legalize certain contracts made by the Mayor and Board of Aldermen of the city of Virginia, Storey county, State of Nevada, and the Virginia and Gold Hill Water Company of the same place, and for the issuance and sale of bonds."

Bill read first time, rules suspended, read second time by title, and referred to the Virginia City portion of the Storey County Delegation.

Mr. Gaston introduced Assembly Bill No. 34—An Act to create the Office of Official Reporter of District Courts.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Judiciary Committee.

Mr. Prisk introduced Assembly Bill No. 35—An Act authorizing Boards of County Commissioners to transfer moneys from special funds to the general fund in certain cases, and legalize certain acts of the Board of County Commissioners of Storey county.

Bill read first time, rules suspended, read second time by title, and referred to the Storey County Delegation.

GENERAL FILE.

Assembly Joint Resolution No. 8, relative to public lands donated by the United States Government to the State of Nevada, for college purposes.

Bill read third time.

Mr. Mayhugh moved the appointment of a committee of one to make the following amendment:

*Resolved*, That the Governor be requested to forward enrolled copies of these resolutions to each of our Senators and our representatives in Congress, and that each copy thereof be accompanied by a letter from His Excellency, urging upon our representatives their immediate attention to the subject matter thereof.

Motion carried, and Mr. Mayhugh was appointed as such committee, who reported the resolution amended as per instructions.

Roll called, and Joint Resolution No. 8 passed as amended by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—44.

NAYS—None.

Absent—Messrs. Allen, of Storey, Green, Hagar, Lane, and Smith, of Eureka—5.

Senate Joint Resolution No. 4, relative to granting pensions to the surviving veterans of the Mexican War.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

NAYS—None.

Absent—Messrs. Green, Lane, and Smith, of Eureka—3.

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

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of the Assembly.

## SIXTEENTH DAY.

CARSON CITY, Tuesday, January 21, 1879.

The House met, pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Absent—Messrs. Flannery, Green, Howe, Lane, and Smith, of Eureka.

Mr. Allen (of Storey) asked leave of absence for Mr. Flannery for one day.

Granted.

Mr. Warmuth asked leave of absence for ten days.

Granted.

Mr. Gibson asked indefinite leave of absence for Mr. Howe.

Granted.

Prayer by the Chaplain, Rev. Mr. McClain.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., JANUARY, 20, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit, for the consideration of your Honorable Body, Senate Bill No. 4, entitled "An Act to amend an Act entitled an Act to secure liens to mechanics and others," approved March 2, 1875, which passed the Senate this day: Yeas, 22; Nays, 0.

Also, Senate Concurrent Resolution No. 14, relative to the election of Board of Regents for the State University, which was this day adopted by the Senate.

THEO. S. DAVENPORT,

Assistant Secretary of the Senate.

Senate Concurrent Resolution No. 14, as per Senate message, read and adopted.

Journal of the fifteenth day read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Claims have had Assembly Bill No. 11—An Act for the relief of Benj. F. Wallace, under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass.

B. L. PLUMMER, Chairman.

*Mr. Speaker:*

Your Standing Committee on Ways and Means have had Assembly Bill No. 13 under consideration, and beg leave to report favorably on the

same, with the recommendation that it be amended as follows: That all widows be exempt from one thousand dollars worth of homestead and household property.

JOHN P. FOULKS, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment hereby report that they have compared Assembly Bill No. 7—An Act entitled “An Act regulating the sale of poisons, drugs, medicines, and patent medicines,” with the engrossed copy thereof, and find the same correct.

J. C. HARLOW, Chairman.

#### REPORTS OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Special Committee, consisting of the Virginia portion of the Storey County Delegation, to whom was referred Assembly Bill No. 33—An Act supplemental to an Act entitled “An Act to legalize certain contracts made by the Mayor and Board of Aldermen of the city of Virginia, Storey county, State of Nevada, and the Virginia and Gold Hill Water Company, of the same place, and for the issuance and sale of bonds for the payment of indebtedness thereby incurred,” approved January 22, 1877, have had the same under consideration, and report the same back, recommending its passage.

J. P. SMITH, Chairman.

*Mr. Speaker:*

Your Special Committee, consisting of the Storey County Delegation, to whom was referred Assembly Bill No. 35, entitled “An Act authorizing Boards of County Commissioners to transfer moneys from special funds to the general fund, in certain cases, and to legalize certain acts of the Board of Commissioners of Storey county,” have had the same under consideration, and report the same back, recommending its passage.

J. P. SMITH, Chairman.

#### MOTIONS AND RESOLUTIONS.

By Mr. Allen (of Lincoln):

*Resolved*, That the Sergeant-at-Arms of the Assembly, be directed to purchase, for the use of the Judiciary Committee, the Revised Codes of the State of California; and to pay for the same out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Plummer:

*Resolved*, That the Clerk of the Assembly be, and is hereby authorized, to furnish all necessary stationary for the use of the reporters of the different papers represented in the Assembly.

Lost.

Mr. Davies asked leave of absence for the remainder of the day.  
Granted.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, January 17, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body Senate Joint Resolution No. 11—Asking the War Department to strengthen Camp McDermitt with two companies of cavalry, the same having passed the Senate this day: Yeas, 23; nays, none.

Also, Senate Concurrent Resolution No. 12—Relative to printing one thousand copies of Biennial Report of Superintendent of Public Schools.

Also, Senate Concurrent Resolution No. 13—Relative to Joint Rules. The same having passed the Senate this day.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

Communication from State Board Examiners, transmitting a list of Indian War Claims growing out of what is commonly known as the Elko Indian troubles.

Read and referred to the Judiciary Committee, together with the list of claims, with instructions to report a bill relative to the same.

## NOTICE OF BILLS.

Mr. Powell gave notice that he would, on some future day, introduce a bill for an Act regulating and providing for Primary Elections.

Mr. Taylor gave notice that he would on to-morrow, or some future day, introduce a bill to exempt printing offices from execution.

Mr. Mayhugh gave notice that he would on to-morrow, or some future day, ask leave to introduce a bill entitled "An Act to allow swine to be free commoners from the first day of November to the first day of May, of each year.

## INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Gaston:

Assembly Bill No. 36—An Act to regulate Fares and Freights upon Railroads whose lines are wholly, or in part, within the State of Nevada.

Bill read first time, rules were suspended, read second time by title, referred to the Committee on Corporations and Railroads, and four hundred and fifty copies ordered printed.

Mr. Wilson, by leave, introduced Assembly Bill No. 37—An Act to provide for the government of the State Prison of the State of Nevada, and to repeal all other acts in relation thereto.

Bill read first time, rules were suspended, read second time by title, referred to the Committee on State Prison, and ordered printed.

Mr. Smith (of Storey) moved that a committee of two be appointed

to wait on the Senate, and inform that Honorable Body that the Assembly is ready to meet with them in Joint Convention, for the purpose of electing a Board of Regents for the State University.

Motion carried.

And Messrs. Smith (of Storey) and Paton were appointed as such committee.

In time the committee returned, accompanied by the Senate.

## IN JOINT CONVENTION.

At 12:10 P. M.

President of the Senate in the chair.

Roll of Senate called.

Absent—Messrs. Dayton, McConnell, Thompson and Westerfield.

Roll of Assembly called.

Absent—Messrs. Davies, Flannery, Green, Howe, Lane, and Smith (of Eureka).

### NOMINATIONS FOR REGENTS.

Mr. Stone placed in nomination Mr. M. P. Freeman, of Elko County.

Mr. Doolin placed in nomination Mr. W. W. Bishop, of Eureka County.

Mr. Gibson (of Storey) placed in nomination Mr. R. H. Taylor, of Storey County.

Mr. Powning placed in nomination T. S. Stone, of Elko County.

Mr. Foulks placed in nomination J. S. Mayhugh, of Elko County.

Mr. King placed in nomination C. C. Stevenson, of Storey County.

Mr. Cassidy moved that the roll of each House be called, and as the name of each member is called, he will rise from his seat, and name the gentlemen for whom he casts his vote for Regents of the University, and that it will require a constitutional majority to elect said regents.

Motion carried.

Mr. Gibson (of Storey) withdrew the name of R. H. Taylor.

Roll of Senate called, and the vote resulted as follows:

For Mr. M. P. Freeman—Messrs. Comins, Gallagher, Kaiser, Martin, Powning, Schultz, Shepherd, Stone, Wheeler—9.

For Mr. W. W. Bishop—Messrs. Blair, Boardman, Cassidy, Comins, Cresswell, Dangberg, Doolin, Farrell, Gibson, King, Martin, Meder, Perley, Schultz, Stewart, Stone—16.

For Mr. T. N. Stone—Messrs. Blair, Boardman, Cassidy, Comins, Cresswell, Dangberg, Doolin, Farrell, Gallagher, Gibson, Kaiser, King, Martin, Meder, Perley, Powning, Schultz, Shepherd, Stewart, Stone—20.

For Mr. J. S. Mayhugh—Messrs. Blair, Boardman, Cassidy, Cresswell, Dangberg, Doolin, Farrell, Gallagher, Gibson, Kaiser, King, Meder, Perley, Powning, Shepherd, Stewart, Stone, Wheeler—18.

Roll of Assembly called, resulting as follows:

For Mr. M. P. Freeman—Messrs. Allen, of Storey, Andrews, Beard, Crawford, Foulks, Fraser, Fulton, Ferguson, Hanna, Kennedy, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Storey, Taylor, Underwood, Watt, Wilson, and Mr. Speaker—28.

For Mr. W. W. Bishop—Messrs. Allen, of Lincoln, Beard, Crawford, Eldred, Fisk, Ferguson, Gibson, Hagar, Harlow, Irvine, Kennedy, Lamb, Lawson, Mayhugh, Paton, Powell, Robinson, Shakespeare, Smith, of Lyon, Smyth, of Lander, Vansickle, Wermuth, Williams—23.

For Mr. T. N. Stone—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Fisk, Foulks, Fraser, Fulton, Gibson, Hagar, Hanna, Harlow, Irvine, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—39.

For Mr. J. S. Mayhugh—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Robinson, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—39.

Messrs. Mayhugh, Stone and Bishop, having each received a majority of the votes cast in Joint Convention, the President declared them duly elected Regents for the term of four years.

On motion of Mr. King, at 1:30 p. m. the Joint Convention adjourned *sine die*.

## HOUSE IN SESSION.

Mr. Speaker in the chair.

Mr. Smith (of Lyon) moved that the House take a recess for one hour.

Motion lost.

### INTRODUCTION AND FIRST READING OF BILLS.

Senate Bill No. 4—An Act to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other acts in relation thereto."

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

Mr. Allen (of Storey) moved that the House take a recess for one half hour.

Motion lost.

Senate Concurrent Resolution No. 12, relative to printing reports of State Superintendent of Public Instruction and Warden of State Prison.

Adopted.

Senate Concurrent Resolution No. 13, relative to joint rules.

Adopted.

Senate Joint Resolution No. 11, asking the War Department to strengthen Camp McDermott with two companies of cavalry.

Read first time, rules suspended, read second time by title, rules further suspended, read third time and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard,

Crawford, Eldred, Fisk, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Lyon, Smith of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—None.

ABSENT—Messrs. Davies, Flannery, Green, Howe, Lane, and Smith of Eureka.

#### GENERAL FILE.

Assembly Bill No. 7—An Act to regulate the sale of poisons, drugs, medicines and patent medicines.

Read third time and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Lyon, Smith of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—None.

ABSENT—Messrs. Davies, Flannery, Green, Howe, Lane, and Smith of Eureka.

Mr. Plummer moved at 1:56 p. m. that the House do now adjourn.

Motion lost.

Assembly Joint Resolution No. 9, in relation to the Indian tribes of north-eastern Nevada.

Ordered engrossed.

Assembly Bill No. 11—An Act for the relief of Benj. F. Wallace.

Refused engrossment.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to amend Section 4 of an Act entitled an Act to provide revenue for the support of the Government of the State," approved March 9, 1875; approved March 5, 1877.

Ordered engrossed.

Assembly Bill No. 35—An Act authorizing Boards of County Commissioners to transfer moneys from the special funds to the general fund, in certain cases, and to legalize certain acts of the Board of County Commissioners of Storey county.

Considered engrossed, read third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Lyon,

Smith of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Davies, Flannery, Foulks, Green, Howe, Lane, Smith of Eureka, and Wermuth.

Assembly Bill No. 33—An Act supplemental to an Act entitled "An Act to legalize certain contracts made by the Mayor and Board of Aldermen of Virginia City, Storey county, State of Nevada, and the Virginia and Gold Hill Water Company of the same place, and for the issuance and sale of bonds for the payment of said indebtedness thereby incurred," approved January 22, 1877.

Considered engrossed, read third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Lyon, Smith of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Davies, Flannery, Foulks, Green, Howe, Lane, and Smith of Eureka.

On motion of Mr. Shakespeare, at 2:10 P. M. the House adjourned.

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Clerk of the Assembly.

## SEVENTEENTH DAY.

CARSON CITY, Wednesday, January 22, 1879.

The House met, pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Absent—Messrs. Green, Howe, Lane, Smith of Eureka, and Wermuth.

Prayer by the Rev. Mr. McClain.

Journal of the sixteenth day read and approved.

Mr. Melarkey rose to a question of privilege, and asked leave to have his vote on the final passage of Senate Joint Memorial and Resolution No. 3, relative to the further immigration of Chinese, changed from no to aye, as he did not understand the provisions of the Reagan bill when he voted.

Granted.

Mr. Speaker stated that Mr. Harlow was the only member of the Engrossing Committee present. He would, therefore, appoint Mr. Smith (of Lyon) to act temporarily with Mr. Harlow until the return of either Messrs. Howe or Green.

Mr. Speaker presented petitions from business men of Virginia City, Gold Hill, Silver City, and Reno, requesting the Legislature to enact a law to enable creditors to collect debts of \$25, or less amounts, without resorting to the present process of attachment.

Referred to Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee, to whom was referred Assembly Bill No. 5, entitled "An Act to amend an Act, and supplementary to an Act, entitled an Act to regulate the settlement of the estates of deceased persons," approved November 29, 1861, beg leave to report that they have had the same under consideration, and have made no amendments thereto, and direct their Chairman to report the same back with the recommendation that the said bill do pass.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your committee to whom was referred Assembly Bill No. 17, entitled "An Act to amend an Act entitled an Act fixing the number of officers and employes of the Senate and Assembly, to define their duties and to establish their pay," approved March 7, 1873, beg leave to report, after having had the same under consideration, the following amendments:

Sec. 2. After the words "Journal Clerk," add the words "One Engrossing Clerk." And on ninth line, Sec. 2, after the words "three pages," strike out the words "paper folder;" and report the bill back without recommendation.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Elections have had Assembly Bill No. 32, entitled "An Act to amend an Act to provide for the registration of the names of electors, and to prevent fraud at elections," under consideration, and beg leave to report favorably on the same, with the recommendation that the same do pass.

OWEN FRASER, Chairman.

*Mr. Speaker:*

Your Committee on Elections have had Assembly Bill No. 29, entitled "An Act amendatory of and supplemental to An Act relating to elections,"

under consideration, and beg leave to report favorably on the same, with the recommendation that the same do pass.

OWEN FRASER, Chairman.

*Mr. Speaker :*

Your Committee on Elections have had Assembly Bill No. 30, entitled "An Act to amend an Act entitled an Act relative to elections," under consideration, and beg leave to report favorably on the same, with the recommendation that the same do pass.

OWEN FRASER, Chairman.

*Mr. Speaker :*

Your Committee on Counties and County Boundaries have had Assembly Bill No. 12, entitled "An Act to provide for the districting of the several counties of this State into commissioners districts, to define their boundaries, and regulate the election of commissioners thereof," under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass.

H. KENNEDY, Chairman.

*Mr. Speaker :*

Your Committee on Claims have had Assembly Bill No. 28, entitled "An Act for the relief of Jerry Schooling, late State Treasurer," under consideration, and beg leave to report favorably on the same, and recommend that it do pass.

B. L. PLUMMER, Chairman.

#### NOTICE OF BILLS.

Mr. Gibson gave notice that he would on some future day introduce a bill to amend an Act entitled "An Act to incorporate Carson City."

#### INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Taylor:

Assembly Bill No. 38—An Act to amend an Act entitled "An Act to regulate proceedings in civil cases of the courts of justice of this State, and to repeal all other acts in relation thereto."

Bill read first time, rules suspended, read second time by title, and referred to Judiciary Committee, and ordered printed.

Mr. Williams, by leave, introduced Assembly Bill No. 39—An Act to prevent discrimination in fares and freights by railroad companies whose railroads run through the State of Nevada, or by railroad companies the termini of whose roads are within the boundaries of the State of Nevada.

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

#### GENERAL FILE.

Assembly Bill No. 5—An Act to amend an Act supplementary to an

Act entitled "An Act to regulate the settlement of the estates of deceased persons," approved November 29, 1861.

Ordered engrossed.

Assembly Bill No. 30—An Act to amend an Act entitled "An Act relating to elections," approved March 12, 1873.

Ordered engrossed.

Assembly Bill No. 12—An Act to provide for the districting of the several counties of this State into commissioner districts, to define their boundaries and regulate the election of commissioners thereof.

Made the special order for Monday, February 2, 1879.

Assembly Bill No. 29—An Act amendatory of and supplemental to an Act entitled "An Act relating to elections," approved March 12, 1873; approved March 12, 1875.

Ordered engrossed.

Assembly Bill No. 32—An Act to amend an Act entitled "An Act to provide for the registration of the names of electors, and to prevent frauds at elections," approved March 5, 1869.

Ordered engrossed.

Assembly Bill No. 17—An Act to amend an Act entitled "An Act fixing the number of officers and employes of the Senate and Assembly, to define their duties and to establish their pay.

Amendments reported by the committee adopted and bill ordered engrossed.

Assembly Bill No. 28—An Act for the relief of Jerry Schooling, late State Treasurer.

Considered engrossed, read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hager, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—40.

NAYS—Messrs. Beard, Paton and Powell—3.

Absent—Messrs. Green, Howe, Lane, Smith, of Eureka, Plummer and Wermuth.

By Mr. Mayhugh:

*Resolved*, That the Chairman of the Judiciary Committee be and is hereby authorized to inquire what a suitable room for the use of said Committee could be procured for, and to report to the Assembly the price of the same.

Adopted.

On motion of Mr. Fisk, at 12:11 P. M. the House adjourned.

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of Assembly.

## EIGHTEENTH DAY.

CARSON CITY, January 23, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Green, Howe, Smith (of Eureka), and Wermuth.

Prayer by the Rev. Mr. McClain.

Journal of seventeenth day read and approved.

Mr. Williams asked leave of absence for Mr. Taylor for one day  
Granted.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Corporations and Railroads have had Assembly Bill No. 19 under consideration, and after careful examination recommend that the first provision of section one be amended, which proposed amendment is herewith submitted. We also recommend that the ninth subdivision of section one of the bill be stricken out, and the substitute herewith submitted adopted instead. With these amendments and alterations, your committee beg leave to report favorably upon the bill, and recommend that it do pass.

J. P. SMITH, Chairman.

Mr. Foulks, from the Committee on Ways and Means, to whom was referred the petitions from citizens of Virginia City, Gold Hill, Silver City, and Reno, in favor of the enactment of a law to enable creditors to collect debts of twenty-five dollars, or less amounts, without process of attachment, and reported the same back to the House, and that they be referred to the Judiciary Committee.

So ordered.

*Mr. Speaker:*

Your Committee on Judiciary, to whom was referred Assembly Bill No. 22, entitled "An Act to provide for the compensation of witnesses in criminal cases, have had said bill under consideration, and beg leave to report the following amendments:

Section 2, tenth line, strike out "General Fund" and insert "Contingent Fund."

Also, strike out all of section 2, after the words "per diem" and "mileage," and recommend the passage of the bill as amended.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Judiciary Committee, to whom was referred Assembly Bill No. 18—An Act entitled "An Act granting the consent of the State of Nevada to the United States to purchase land for the site of a public building. After having had the same under consideration, beg leave to submit a substitute bill, which is hereto annexed.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on State Institutions have had Assembly Bill No. 1 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass, with the following amendments:

Amend section 1 as follows: After the word "Governor" strike out the words "State Controller" and "Surveyor-general," and insert "the Secretary of State, State Treasurer, Hon. Joseph E. Jones, of Washoe County; Hon. C. C. Stephenson, of Storey County."

Amend section 2 as follows: A majority of said board shall constitute a quorum for the transaction of business. The board as constituted are hereby directed to locate the said Insane Asylum on the tract of land now owned by the State of Nevada, near the town of Reno, in Washoe County, known as the State Prison ground. The said asylum shall have sufficient capacity for the cure of two hundred patients; provided, that the said asylum shall be completed within eighteen months after the passage of this Act; and provided, that the said buildings shall be built of stone or brick, and shall be fireproof as far as consistent with cost, and in the judgment of the board.

Amend section 5 as follows: Insert in the sixth line after the word "hundred" the word "dollars."

Amend section 6 as follows: Strike out in first line after the word "the" the words "passage of this Act," and insert "completion of this asylum, and when it shall be ready for the reception of patients."

To fill out blank, and amend section 9: "The sum of one hundred and twenty-five thousand dollars," and insert after the word "Act," in the fourth line, "the State Controller is hereby directed to draw his warrant in favor of the Commissioners for their incidental expenses in carrying out the provisions of this Act."

E. N. UNDERWOOD, Chairman.

*Mr. Speaker:*

Your Committee on Ways and Means have had Assembly Bill No. 15 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

J. P. FOULKS, Chairman.

*Mr. Speaker:*

Your Committee on Claims, to whom was referred the Deficiency Claims for the thirteenth and fourteenth fiscal years, as allowed by the State Board of Examiners, have had the same under consideration, and recommend that a bill be drawn, authorizing the payment of the following, to wit:

State Printing .....	\$9,973 01
Indigent Insane.....	8,018 07
Orphans' Home .....	3,632 13
Total .....	<u>\$21,623 21</u>

B. L. PLUMMER, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment beg leave to report that Assembly Bill No. 17 is defective, inasmuch as it contains no enacting clause, and

do, in consequence, deem it proper to return the same back to the Assembly unengrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker :*

In compliance with the resolution of yesterday, I would beg leave to report, that the Judiciary Committee can have the use, at any time, of Mr. Davies office and adjoining room, for thirty dollars per month, and ten dollars per month for wood and gas, amounting in all to forty dollars per month, or about sixty dollars for the balance of the session.

U. E. ALLEN, Chairman.

Report adopted, and Committee instructed to procure such office and rooms.

Mr. Harlow moved that the Clerk be instructed to insert the enacting clause, and in the first section, after the word section, strike out "1," and insert "2," of Assembly Bill No. 17—An Act to amend an Act entitled "An Act fixing the numbers of officers and employees of the Senate and Assembly, to define their duties, and to establish their pay."

Motion carried.

*Mr. Speaker :*

Your Committee on Engrossment have carefully compared Assembly Bills Nos. 5, 9, 13, 29 and 30, with the originals, and find them correctly engrossed.

J. C. HARLOW, Chairman.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., January 22, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 12—"An Act to provide for the payment of certain Legislative expenses of the year 1875," which passed the Senate this day: Yeas, 22; nays, none.

Also, Senate Bill No. 21—An Act to provide for the payment of certain indebtedness accrued, and to accrue, of White Pine County, which passed the Senate this day: Yeas, 20; nays, none.

Also, Senate Bill No. 32—An Act to amend an Act to provide for the purchase, for the benefit of the State School Fund, of the bonds of this State known as the Territorial bonds, approved March 8, 1877, which passed the Senate this day: Yeas, 21; nays, 1.

Also, Senate Bill No. 33—An Act amendatory of and supplementary to an Act entitled "An Act to provide for the payment of the State debt proper," approved January 28, 1875, which passed the Senate this day: Yeas, 22; nays, none.

Also, Senate Bill No. 34—An Act to amend an Act entitled "An Act authorizing the County Commissioners of Esmeralda County to issue certain bonds and to provide for the payment of the same," which became a

law March 14, 1877, which passed the Senate this day: Yeas, 22; nays, none.

Also, Assembly Bill No. 33—An Act supplementary to an Act entitled "An Act to legalize certain contracts made by the Mayor and Board of Aldermen of the City of Virginia, Storey County, State of Nevada, and the Virginia and Gold Hill Water Company, of the same place, and for the issuance and sale of bonds for the payment of said indebtedness thereby incurred," approved January 22, 1877, which passed the Senate this day.

Also, Assembly Bill No. 6—Relative to the appointment of Notaries Public, which was amended, and passed the Senate this day: Yeas, 21; nays, 1.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

On motion of Mr. Foulks, the message was returned for the insertion after the word "which" of the words "was amended," in relation to Assembly Bill No. 6.

Mr. Underwood moved to take up, out of order, Senate Bills Nos. 32 and 33, as per Senate message.

Motion lost.

#### COMMUNICATION FROM SECRETARY OF STATE.

OFFICE OF SECRETARY OF STATE }  
CARSON CITY, January 22, 1879. }

*To the Honorable Assembly:*

Herewith I beg to transmit a certified copy of the original preamble and conjoint resolution, providing an amendment to the Constitution of the State of Nevada. Also a certified copy of a concurrent resolution relative to an amendment to the Constitution of the State of Nevada.

JASPER BABCOCK,  
Secretary of State.

Constitutional amendments of the eighth session, as per communication from Secretary of State, were taken up, read first time, rules suspended, read second time by title, and referred to Judiciary Committee, with instructions to report the same back to the House on the morning of the twenty-fourth inst.

#### NOTICE OF BILLS.

Mr. Kennedy gave notice that he would on some future day introduce a bill for an Act to prohibit the collection for liquors sold at retail.

#### INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Lyons (of Storey):

Assembly Bill No. 40—An act to amend section 128 of an Act enti-

tled "An Act to regulate proceedings in civil cases in the courts of justice in this State, and to repeal all other acts relative thereto," approved March 8, 1869.

Bill read first time, rules suspended, read second time by title, referred to Judiciary Committee, and ordered printed.

By Mr. Powell:

Assembly Bill No. 41—An Act to prevent fraud at primary elections, and provide that they may be honestly conducted.

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

Mr. Paton, by leave, introduced Assembly Bill No. 42—An Act to reimburse James Holland for money expended in the prosecution of Jerry Sloan, Isaac McManus and Wm. Dean, for the murder of Benj. Holland and W. H. Carter.

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

Mr. Lawson, by leave, introduced Assembly Bill No. 43, an Act to amend section one of an Act entitled "An Act for the government and maintenance of the State Orphan's Home," approved March 1, 1873.

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

Mr. Crawford, by leave, introduced Assembly Bill No. 44—An Act to provide for the payment of a license tax to the State of Nevada, by commercial travelers and others.

Bill read first time, rules suspended, read second time by title, referred to the Committee on Trades and Manufactures, and ordered printed.

Mr. Hagar, by leave, introduced Assembly Bill No. 45—An Act to prevent persons passing through enclosures and leaving them open, by tearing down fences or otherwise, and domestic animals from being shot by persons while hunting on enclosed premises, and providing for payment of such damages so done.

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

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

*Resolved*, That after the fifty-third day of this session, no bill shall be introduced in the Assembly, unless by unanimous consent.

Adopted.

Senate Bill No. 12—An Act to provide for certain Legislative expenses of the year 1875.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 21—An Act to provide for the payment of certain indebtedness accrued and to accrue of White Pine County.

Bill read first time, rules suspended, read second time by title, and referred to White Pine County delegation.

Senate Bill No. 33—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the payment of the State debt proper," approved January 28, 1875.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 34—An Act to amend an Act entitled "An Act to authorize the County Commissioners of Esmeralda County to issue certain bonds, and to provide for the payment of the same," which became a law March 14, 1877.

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

Senate Bill No. 32—An Act to amend "An Act to provide for the purchase for the benefit of the State School Fund of the bonds of this State known as the Territorial Bonds," approved March 8, 1877.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Mr. Mayhugh, at 12:38 P. M. moved that the Assembly take a recess for one hour.

Motion carried.

### HOUSE IN SESSION.

At 1:22 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

The House concurred in Senate amendments to Assembly Bill No. 6, as per Senate message, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Prisk, Robinson, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Wilson, and Mr. Speaker—38.

NAYS—None.

ABSENT—Messrs. Green, Howe, Lane, Plummer, Powell, Price, Shakespeare, Smith, of Eureka, Taylor, Wermuth, and Williams.

Assembly Bill No. 5—An Act to amend an Act, and supplementary to an Act entitled "An Act to regulate the settlement of the estates of deceased persons," approved Nov. 29, 1861.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Wilson and Mr. Speaker—40.

NAYS—None.

ABSENT—Messrs. Green, Howe, Lane, Plummer, Price, Smith, of Eureka, Taylor, Wermuth, and Williams.

Assembly Joint resolution No. 9, in relation to the Indian tribes of North-eastern Nevada.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—43.

NAYS—none.

Absent—Messrs. Green, Howe, Lane, Price, Smith, of Eureka, and Wermuth.

Assembly Bill No. 13—An Act to amend an Act entitled “An Act to amend section four of an Act to provide revenue for the support of the Government of the State of Nevada,” approved March 9, 1865, approved March 5, 1877.

Bill read third time, and by unanimous consent the rules were suspended, and the bill referred to the Committee on Education for corrections in phraseology.

Assembly Bill No. 29—An Act amendatory of an Act supplemental to an Act entitled “An Act relating to elections,” approved March 12, 1873, approved March 12, 1875.

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

YEAS—Messrs. Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Wilson, and Mr. Speaker—37.

NAYS—Messrs. Fisk, Hanna, Melarkey, Morrison, and Williams—5.

Absent—Messrs. Green, Howe, Lane, Smith, of Eureka, Taylor, Allen, of Lincoln, and Wermuth—7.

Assembly Bill No. 30—An Act to amend an Act entitled “An Act relating to elections,” approved March 12, 1873.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth of Lander, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—42.

NAYS—Mr. Andrews—1.

Absent—Messrs. Lane, Smith, of Eureka, Taylor, Wermuth, Green, and Howe.

Assembly Bill No. 1—An Act to provide for the taking care of the Insane of the State of Nevada.

Mr. Kennedy moved to lay the bill on the table temporarily.

Motion lost.

Amendments reported by the Committee.

Adopted seriatim.

Bill ordered engrossed as amended, and referred to the Committee of the Whole.

Assembly Bill No. 18—An Act granting the consent of the State of Nevada to the United States Government to purchase land for the site of a public building.

Substitute reported by committee adopted, and ordered engrossed.

Assembly Bill No. 19—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.

Amendments reported by committee adopted, and bill ordered engrossed.

On motion of Mr. Foulks, the House resolved itself into the Committee of the Whole for the consideration of Senate Bills Nos. 32 and 33.

Mr. Foulks in the chair.

In time the committee rose, and reported back to the House Senate Bill No. 32, with amendments.

Also, Senate Bill No. 33, without amendments, with the recommendation that said bills do pass.

Mr. Speaker in the chair.

Report of the Committee of the Whole adopted.

Senate Bill No. 32 read third time, and passed as amended by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Davies, Green, Howe, Lane, Smith, of Eureka, Taylor and Wermuth.

Senate Bill No. 33 read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Green, Howe, Lane, Smith, of Eureka, Taylor and Wermuth.

On motion of Mr. Mayhugh, at 3:50 P. M. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

## NINETEENTH DAY.

CARSON CITY, Friday, January 24, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

ABSENT—Messrs. Andrews, Green, Howe, Lane, Smith, of Eureka, Smith, of Storey, and Wermuth.

Mr. Speaker asked leave of absence for Mr. Smith (of Storey), for one day.

Granted.

Mr. Lyons (of Storey), asked leave of absence for Mr. Andrews for one day.

Granted.

Prayer by Rev. Mr. McClain.

Journal of the eighteenth day read.

Mr. Fisk moved that the portion of the journal relative to Senate Bills Nos. 32 and 33 being read a third time be corrected so as to conform with the facts, viz:

“Mr. Mayhugh moved that the reading of Senate Bills Nos. 32 and 33, in the Committee of the Whole, be considered the third reading of the bills, and that they be placed on their final passage.”

Motion carried.

And that the action of the House relative to the final action on said bills be rescinded.

A division of the question being called for the first division was adopted.

Mr. Mayhugh then offered a substitute for the second division, relative to rescinding the action of the House, as follows:

WHEREAS, On yesterday, January 23, 1879, Senate Bond Bills Nos. 32 and 33, relative to the School Fund, were under consideration in the Committee of the Whole, to whom it had been referred, and in due time said Committee arose and reported them back to the House, 32 with amendments and 33 without amendment, and recommended their passage; and

WAEREAS, A motion was made in the House that the reading of said bills by sections in the Committee of the Whole be considered the third reading of said bills, and that they be placed upon their final passage, which motion was agreed to, and said bills were passed in that form; and

WHEREAS, Some doubt exists as to the constitutionality of the proceedings of the House in considering the reading of said bills by sections in the Committee of the Whole as the third reading of the bills as per view of the constitution. Therefore be it

*Resolved*, Unanimously, by this House, that all proceedings had, so far as the same relates to considering the reading of said bills in the Committee of the Whole as the third reading in this House, are hereby rescinded, and that we do proceed to consider, in regular order of business, each bill, *de novo*, by having the same read by section and placed upon their final passage.

Substitute adopted, and the journal approved as corrected.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Judiciary Committee, to which was referred the Concurrent Resolutions of the eighth session of the Legislature of Nevada, relating to constitutional amendments, have had the same under consideration and beg leave to report:

That said resolutions, when formerly reported to the Assembly by the Hon. Secretary of State, were not accompanied with the history required, showing the action of the last Legislature in relation thereto.

Your Committee, therefore, respectfully report that the said resolutions are now accompanied with a correct history from the office of the Hon. Secretary of State, and are now presented in proper form for the action of the Assembly; and that the action of the Assembly in reference to said resolutions was premature.

Your Committee, therefore, recommend that the Assembly do now take such action in reference to said resolutions as may be deemed proper and in conformity with the constitutional requirements.

U. E. ALLEN,  
JOHN S. MAYHUGH,  
CHAS. P. SHAKESPEARE,  
T. W. W. DAVIES.

*Mr. Speaker:*

Your Committee on State Institutions have had under consideration Assembly Bill No. 14, entitled an Act supplementary to an Act entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873, and providing for the admission to said home of certain children in addition to the orphans, and half orphans, named in said act." We beg leave to report favorably on the same, with the recommendation that the same do pass.

Also, have had under consideration Senate Bill No. 13, entitled "An Act concerning the use of the Legislative Halls in the Capitol Building." We beg leave to report favorably on the same, with the recommendation

that it do pass. We also further recommend that the same be returned to the Senate for this purpose, that the same be more properly engrossed.

E. N. UNDERWOOD, Chairman.

*Mr. Speaker :*

Your Committee on Education, to which was referred Assembly Bill No. 13, 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, approved March 5, 1877, to correct the phraseology of the fourth subdivision of section 1 of said bill, respectfully report that said correction has been made.

G. W. WILSON, Chairman.

*Mr. Speaker :*

Your Committee on Enrollment beg leave to submit the following report. They have carefully compared Assembly Bill No. 33, "An Act supplemental to an Act to legalize certain contracts made by the Mayor and Board of Aldermen of Virginia City," and have found the same correctly enrolled.

DANIEL LYONS, Chairman.

*Mr. Speaker :*

Your Committee on State Prison have had Assembly Bill No. 37, entitled an Act to provide for the government of the State Prison of the State of Nevada, and to repeal all other Acts in relation thereto, under consideration, and a majority beg leave to report unfavorably on the same with the recommendation that it do not pass.

B. L. PLUMMER.  
WM. PRISK.

*Mr. Speaker :*

Your Committee on State Prison have had Assembly Bill No. 37, An Act to provide for the government of the State Prison of the State of Nevada, and to repeal all other Acts in relation thereto, under consideration, and a minority beg leave to report favorably on the same, with the recommendation that it pass, for the following reason:

That the bill provides that the Warden of the State Prison shall be subject to and under the control of the Board of State Prison Commissioners. The minority of your committee believes that it is for the best interests of the State that the Board of State Prison Commissioners who reside at the Capital should have full charge and management of all State Prison affairs, rather than that the management should be entirely in the hands of one man, subject only to the control of the Legislature, which meets only once in two years, no matter how honest or how well qualified that man may be.

All of which is respectfully submitted.

A. MORRISON, Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment have carefully compared Assembly Bills Nos. 1, 17, and 32 with the originals, and find them correctly engrossed.

J. C. HARLOW, Chairman.

## REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Special Committee, consisting of White Pine delegation, to whom was referred Senate Bill No. 21—An Act to provide for the payment of certain indebtedness accrued and to accrue of White Pine County, beg leave to report favorably on the same, and recommend that it do pass.

M. R. LYON, Chairman.

## MOTIONS AND RESOLUTIONS.

On motion of Mr. Wilson, Assembly Bill No. 37, as per reports of Committee on State Prison, was ordered engrossed, and made the special order for Monday next, at twelve M.

By Mr. Mayhugh:

*Resolved*, That the Judiciary Committee be and they are hereby instructed to report to this House, at their earliest convenience, as to the power of the Committee of Arrangements to audit, allow, and pay the bills created by them in making the necessary arrangements for the funeral expenses of the late R. L. Wash, deceased, late member of this House from Lincoln County.

Mr. Davies moved that the Chief Clerk of the Assembly be requested to proceed to the Senate and request that honorable body to return to the House Assembly Bill No. 28, and Senate Bills Nos. 32 and 33.

Motion carried.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEVADA, January 23, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your honorable body Senate Joint Memorial and Resolution No. 15—Asking Senators and Representatives in Congress to procure appropriation for the erection of a building to accommodate United States Courts in Carson City, which passed the Senate this day: Yeas, 19; nays, 3.

Also, Senate Bill No. 25—An Act entitled 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 9, 1865, and of Acts amendatory thereof, approved March 5, 1877, which passed the Senate this day: Yeas, 21; nays, 2.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

## MESSAGES FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT,  
CARSON CITY, January 24, 1879. }

*To the Honorable the Assembly :*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bill No. 33 — An Act supplementary to an Act entitled "An Act to legalize certain contracts made by the Mayor and Board of Aldermen of the City of Virginia, Storey County, State of Nevada, and the Virginia and Gold Hill Water Company, of the same place, and for the issuance and sale of bonds for the payment of said indebtedness thereof incurred," approved January 22, 1877.

JOHN H. KINKEAD,  
Governor.

## NOTICES OF BILLS.

Mr. Fisk gave notice that he would, on some future day, introduce a bill for an Act to regulate fares and freights, whose lines are wholly or in part within this State, and to prevent extortion and discrimination on the same.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Smith (of Lyon), by leave, introduced Assembly Bill No. 46—An Act to prohibit the transportation, manufacture and storage, in certain instances, of giant powder and dangerous explosives.

Bill read first time, rules suspended, read second time by title and referred to Judiciary Committee, and ordered printed.

Mr. Powell, by leave, introduced Assembly Bill No. 47—An Act for the relief of Benjamin F. Wallace.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

## GENERAL FILE.

Assembly Joint Resolution No. 12 of the eighth session of the Nevada Legislature, amending Constitution of the State of Nevada.

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

YEAS—MESSRS. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Spe ker—42.

NAYS—none.

Absent—Messrs. Andrews, Green, Howe, Lane, Smith, of Eureka, Smith, of Storey, and Mr. Wermuth.

Assembly Concurrent Resolution No. 31 of the eighth session of the Nevada Legislature, amending Article 11 of the Constitution of the State of Nevada.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—42.

NAYS—none.

Absent—Messrs. Andrews, Lane, Green, Howe, Smith, of Eureka, Smith, of Storey, and Wermuth.

Senate Bill No. 13—An Act concerning the use of the Legislative Halls in the Capitol Building.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Crawford, Eldred, Fisk, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Prisk, Shakespeare, Sharp, Smith, of Lyon, Taylor, Underwood, Watt, Wilson, and Mr. Speaker—27.

NAYS—Messrs. Beard, Davies, Flannery, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Price, Robinson, Smyth, of Lander, Vansickle, Williams—15.

Absent—Messrs. Andrews, Green, Howe, Lane, Smith, of Eureka, Smith, of Storey, Wermuth.

Assembly Bill No. 14—An Act supplementary to an Act entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873; and providing for the admission to said Home of certain children in addition to the orphans and half-orphans named in said Act.

Ordered engrossed.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to amend Section 4 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 March 5, 1877.

Report of committee adopted.

Bill read third time.

Mr. Mayhugh moved the appointment of a committee of one, to amend the bill as follows: In the fourth subdivision of Section 1, after the words "five thousand dollars value," insert the following: "provided said property of such widow shall not exceed in value five thousand dollars.

Motion carried.

Mr. Mayhugh was appointed such committee, who reported the bill amended as per instructions.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford,

Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Andrews, Green, Howe, Lane, Smith, of Eureka, Smith, of Storey, Wermuth.

Mr. Melarkey, at 12:58 P. M. moved that the House take a recess for one hour.

Motion carried.

## HOUSE IN SESSION.

At 1:58 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, January 24, 1879. }

*To the Honorable the Assembly:*

By order of the Senate, I herewith return to your Honorable Body, Senate Bills Nos. 32 and 33; also Assembly Bill No. 28.

I also have the honor to inform your Honorable Body that Assembly amendments to Senate Bill No. 32 were concurred in by the Senate. Yeas, 20; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Senate Bill No. 32 read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Andrews, Green, Howe, Lane, Smith, of Eureka, Smith, of Storey, Wermuth and Williams.

Senate Bill No. 33, as per Senate message, read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson,

Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smyth, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—Mr. Beard—1.

ABSENT—Messrs. Andrews, Green, Howe, Lane, Smith, of Eureka, Smith, of Storey, Wermuth.

Assembly Bill No. 28—An Act for the relief of Jerry Schooling, late State Treasurer, referred to the Committee of the Whole.

Mr. Allen, of Lincoln, asked leave of absence for the Judiciary Committee from 2:30 p.m. for the remainder of the day.

Granted.

Senate Bill No. 21—An Act to provide for the payment of certain indebtedness accrued and to accrue of White Pine County.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smyth, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—0.

ABSENT—Messrs. Andrews, Green, Howe, Lane, Smith, of Eureka, Smith, of Storey, Price, and Wermuth.

On motion of Mr. Robinson, at 2:30 p.m. the House adjourned until Monday, January 27, 1879.

Approved:

HENRY A. GASTON,

Speaker of Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of Assembly.

## TWENTY-SECOND DAY

CARSON CITY, NEVADA, January 27, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Vermuth and Williams.

Prayer by the Rev. Mr. Weir.

Mr. Smith (of Eureka) asked leave of absence for Mr. Ferguson, for one day.

Granted.

Mr. Lane asked leave of absence for Mr. Green, for one day.

Granted.

Mr. Smith (of Lyon) asked leave of absence for Mr. Williams, for one day.

Granted.

Mr. Andrews asked leave of absence for Mr. Allen (of Storey), for one day.

Granted.

Journal of the nineteenth day read and approved.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to whom was referred Assembly Bill No. 20, entitled "An Act to define the duties and liabilities of pawn brokers and pledgees," after having had the same under consideration, report the bill back with a recommendation that it do not pass.

Also, have had the report on Military Claims under consideration, and beg leave to report the same back and recommend that it be referred to the Committee on Claims.

Also, have had Assembly Bill No. 31, entitled an Act to amend an Act 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," approved March 8, 1869; and beg leave to report unfavorably on said bill, for the reason that the exemption law of this State is more clearly expressed, and provides for all proper exemptions; that the bill under consideration is indefinite and vague in its terms.

Also, have had under consideration Assembly Bill No. 38, entitled "An Act to regulate proceedings in civil cases of the courts of justice of this State, and to repeal all other acts in relation thereto," and beg leave to report the same back without amendments and recommend its passage.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Enrollment beg leave to report that they have carefully compared Assembly Bill No. 6—An Act to amend an Act for the appointment of Notaries Public, and defining their duties, and have delivered the same to the Governor for his approval, this twenty-seventh day of January, 1879.

DAVID LYONS, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment have carefully compared Assembly Bills Nos. 14, 18, 19 and 37 with the original, and find them correctly engrossed.

Very respectfully,

J. C. HARLOW, Chairman.

## REPORTS OF SPECIAL COMMITTEES.

*Mr. Speaker:*

Your Special Committee of Esmeralda County Delegation, to which was referred Senate Bill No. 34, in regard to the issuing of Esmeralda County Bonds, report favorably and ask that it do pass,

JAS. R. ELDRED,  
CHAS. P. SHAKESPEARE.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., January, 24, 1879. }

*To the Honorable the Assembly:*

I have the honor to return to your honorable body Assembly Joint Resolution No. 8, which passed the Senate this day by the following vote: Yeas, 20; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

## MOTIONS AND RESOLUTIONS.

By Mr. Mayhugh:

*Resolved*, That the thanks of the Assembly are due, and they are hereby extended to the Hon. William Sharon, our United States Senator in Congress, for the able and prompt manner in which he introduced and endorsed the resolutions of instructions of the present Legislature, requesting our delegation in both Houses of Congress to support the Regan bill, known as the "Anti-discrimination Bill," in relation to the reduction of freights and fares on the Central Pacific Railroad.

*Adopted.*

On motion of Mr. Davies, His Excellency the Governor was requested to transmit a copy of the above resolution to Senator Sharon.

Mr. Mayhugh asked unanimous consent of the Assembly that the action of the House in making Assembly Bill No. 12, relative to Commissioner districts, the special order for Monday the third proximo, at twelve m , be rescinded, and the bill referred to the Judiciary Committee.

Granted.

## NOTICE OF BILLS.

Mr. Lyon (of White Pine), gave notice that he would, on some future day, introduce a bill for an Act to disincorporate the town of Treasure City, White Pine County.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Lyons (of Storey), by leave, introduced Assembly Bill No. 48—

An Act amendatory of and supplementary to an Act entitled "An Act to exempt the homestead and other property from forced sale in certain cases," approved March 6, 1865.

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

By Mr. Fisk:

Assembly Bill No. 49—"An Act to regulate fares and freights upon railroads whose lines are wholly or in part within the State, and to prevent extortion and discrimination on the same."

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

Mr. Lyons (of Storey), by leave, introduced Assembly Bill No. 50—"An Act to amend section 341, title 9 of appeals in civil actions, and chapter one of appeals in general.

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

Mr. Mayhugh, by leave, introduced Assembly Bill No. 57—An Act to make it unlawful for the owner or owners of swine to allow them to roam at large during a certain period of each year, from and after the approval of this Act.

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

By Mr. Gibson:

Assembly Bill No. 52—An Act to amend an Act entitled "An Act to incorporate Carson City," approved February 25, 1875.

Bill read first time, rules suspended, read second time by title, and referred to the Ormsby County Delegation.

#### SPECIAL ORDER.

Assembly Bill No. 37—An Act to provide for the Government of the State Prison of the State of Nevada, and to repeal all other Acts in relation thereto.

Bill read third time, amended by the appointment of Special Committee, with instructions, and on motion of Mr. Mayhugh, indefinitely postponed by the following vote:

YEAS—Messrs. Andrews, Beard, Eldred, Flannery, Foulks, Fulton, Gibson, Hagar, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson, and Mr. Speaker—34.

NAYS—Messrs. Allen, of Lincoln, Crawford, Davies, Fisk, Fraser, Irvine, Morrison, Plummer, Robinson—9.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Hanna, Wer-muth, and Williams.

On motion of Mr. Wilson, at 12:45 P. M. the House took a recess for one hour.

## AFTERNOON SESSION.

House in session at 1:45 p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## GENERAL FILE.

Assembly Bill No. 17—An Act to amend an Act entitled “An Act fixing the number of officers and employees of the Senate and Assembly, to define their duties and establish their pay.”

Bill read third time, and, on motion of Mr. Lyons, of Storey, indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Frazer, Fulton, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson, and Mr. Speaker—40.

NAYS—None.

Absent—Messrs. Williams, Allen, of Storey, Davies, Ferguson, Green, Howe, Plummer, Price, and Wermuth.

Assembly Bill No. 32—An Act to amend an Act entitled “An Act to provide for the registration of the names of electors, and to prevent fraud at elections.”

Bill read third time and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Crawford, Eldred, Fisk, Fraser, Gibson, Hagar, Hanna, Irvine, Kennedy, Lamb, Lawson, Lyon, of White Pine, Plummer, Powell, Robinson, Sharp, Underwood, and Mr. Speaker—18.

NAYS—Messrs. Andrews, Beard, Davies, Flannery, Foulks, Fulton, Harlow, Lane, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Price, Prisk, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, and Wilson—24.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Howe, Wermuth, and Williams.

Mr. Smith (of Eureka), gave notice that on to-morrow he would move for a reconsideration of the vote by which Assembly Bill No. 32 was lost.

On motion of Mr. Underwood, Assembly Bill No. 1—An Act to provide for the taking care of the insane of the State of Nevada, was made the special order for the thirtieth instant, at 12 m.

Senate Joint Memorial and Resolution No. 15, asking Senators and Representatives in Congress to procure an appropriation for the erection of a building to accommodate United States courts in Carson City.

Bill read first time, rules were suspended, read second time by title, rules farther suspended, and resolution read third time.

Mr. Davies moved that the words "one hundred and" be inserted before the words "fifty thousand dollars."

Motion carried.

And on motion of Mr. Mayhugh the Clerk was instructed to make the amendment.

Roll called, and the resolution passed as amended by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wilson, and Mr. Speaker—41.

NAYS—Mr. Beard—1.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Howe, Wermuth, Williams, and Underwood.

Assembly Bill No. 14—An Act supplementary to an Act entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873, and providing for the admission to said Home of certain children in addition to the orphans and half orphans named in said Act.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fulton, Gibson, Hagar, Hanna, Harlow, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Sharp, Smith, of Storey, Smith of Lander, Underwood, Watt, Wilson, and Mr. Speaker—33.

NAYS—Messrs. Fraser, Kennedy, Mayhugh, Price, Robinson, Smith, of Eureka, Smith of Lyon, Taylor, Vansickle—6.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Howe, Shakespeare, Wermuth and Williams.

Substitute for Assembly Bill No. 18—An Act granting the consent of the State of Nevada to the United States to purchase land for the site of a public building.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhew, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Howe, Smith, of Eureka, Wermuth and Williams.

Assembly Bill No. 19—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 third time, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson, and Mr. Speaker—39.

NAYS—Messrs. Andrews, Fulton, Gibson—3.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Howe, Smith, of Eureka, Wermuth and Williams.

Senate Bill No. 34—An Act to amend an Act entitled "An Act to authorize the County Commissioners of Esmeralda County to issue certain bonds, and to provide for the payment of the same," which became a law March 14, 1877.

Read third time and passed by the following vote:

YEAS—Messrs. Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Wilson, and Mr. Speaker—38.

NAYS, Mr. Andrews—1.

Absent—Messrs. Allen, of Storey, Ferguson, Davies, Green, Howe, Smith, of Lyon, Taylor, Wermuth, Williams, and Allen, of Lincoln.

Mr. Smith (of Eureka), at 2:50 P. M., moved to adjourn.

Motion lost.

Assembly Bill No. 15—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.

Ordered engrossed.

Assembly Bill No. 22—An Act to provide for the compensation of witnesses in criminal cases.

Amendments reported by committee adopted, and bill ordered engrossed.

Assembly Bill No. 38—An Act to amend an Act entitled "An Act to regulate proceedings in civil cases of the Courts of Justice of this State, and to repeal all other acts in relation thereto."

Ordered engrossed.

Assembly Bill No. 31—An Act to amend an Act 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."

Indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson—42.

NAYS—Mr. Speaker—1.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Howe, Wermuth and Williams.

Assembly Bill No. 20—An Act to define the duties and liabilities of pawn-brokers and pledgees.

Indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Hanna, Irvine, Lamb, Lane, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson—35.

NAYS—Messrs. Harlow, Kennedy, Lawson, Melarkey, Plummer, Smith, of Storey, and Mr. Speaker—7.

Absent—Messrs. Allen, of Storey, Ferguson, Green, Hagar, Howe, Wermuth and Williams.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
CARSON CITY, NEVADA, January 27, 1879. }

*To the Honorable the Assembly:*

I have this day approved, and deposited in the office of the Secretary of State, Assembly Bill No. 6—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 defining their duties," approved February 9, 1864; approved March 20, 1865; approved February 9, 1866; approved March 13, 1867.

JOHN H. KINKEAD,  
Governor.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEVADA, January 27, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Concurrent Resolution No. 17, relative to a Joint Convention of the Senate and Assembly, for the purpose of electing a Warden of the State Prison, which passed the Senate this day.

Also, Senate Bill No. 53—An Act to repeal an Act entitled “An Act to incorporate the Town of Eureka,” approved March 1, 1877, which passed the Senate this day. Yeas, 22; nays, 0.

Also, Senate Concurrent Resolution No. 16, relative to formation of Select Committee of Fourteen, which was adopted by the Senate this day.

Also, Senate Concurrent Resolution No. 17, relating to United States Senator Sharon, which was unanimously adopted by the Senate this day.

Also, Assembly Preamble and Joint Resolution, relating to amendment to the State Constitution, passed at the Eighth Session of the Nevada Legislature, which passed the Senate this day. Yeas, 22; nays, 0.

Also, Assembly Concurrent Resolution, relative to amending Article XI. of the Constitution of the State of Nevada, which passed the Senate this day. Yeas, 22; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

Senate Concurrent Resolution No. 17, as per message, read and adopted.

Mr. Taylor, at 3:5 P. M., moved to adjourn.

Motion lost.

Senate Concurrent Resolution No. 17—Relative to Senator Sharon. Read and adopted.

Senate Concurrent Resolution No. 16—Relative to the appointment of a Joint Committee of fourteen.

Pending the consideration of Senate Concurrent Resolution No. 16, the Assembly, on motion of Mr. Powell, at 3:15 P. M., adjourned.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## TWENTY-THIRD DAY.

CARSON CITY, Tuesday, January 29, 1879.

The House met, pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Absent—Messrs. Ferguson, Wermuth and Willams.

Prayer by the Rev. Mr. Weir.

Journal of the twenty-second day read and approved.

Mr. Gibson asked to have his vote changed from no, to aye, on Assembly Bill No. 19—An Act to amend an Act entitled "An Act to provide for the incorporation of Railroad Companies and the management of the affairs thereof," approved March 22, 1865.

Granted.

Mr. Smith (of Lyon) asked indefinite leave of absence for Mr. Williams.

Granted.

Mr. Speaker announced the Joint Committee, on part of the House, on Printing, as Messrs. Harlow, Fisk and Taylor.

#### PETITIONS.

Mr. Taylor presented a remonstrance from citizens of Tybo, Nye County, against the repeal of the Drummers' License Law, and the Attachment Laws.

Referred to the Judiciary Committee.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Judiciary, to which was referred Assembly Bill No. 48—Entitled an Act amendatory of and supplementary to an Act entitled "An Act to exempt the Homestead and other property from forced sale in certain cases," approved March 6, 1875, beg leave to report unfavorably on said bill, and recommend it do not pass.

Also Assembly Bill No. 50—An Act to amend section 341, Title 9, of Appeal in Civil Cases, and Chapter one of Appeals in general, beg leave to report favorably on the same, and recommend its passage.

U. E. ALLEN, Chairman.

*Mr. Speaker :*

Your Committee on Engrossment have carefully compared Assembly Bill No. 22 with the original, and find the same correctly engrossed.

Very respectfully,

J. C. HARLOW, Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Smith (of Eureka) in accordance with previous notice, moved to reconsider the vote by which Assembly Bill No. 32 failed to pass the House.

Motion lost.

#### NOTICES OF BILLS.

Mr. Allen (of Storey) gave notice that he would on to-morrow, or some future day, introduce a bill to amend an Act to regulate proceeding in Civil Cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Hager, by leave, introduced Assembly Bill No. 53—An Act to regulate the engrossment of bills, resolutions and documents, and the enrollment of laws, resolutions and other documents.

Bill read first time, rules were suspended, read second time by title, and referred to the Engrossment and Enrollment Committees.

Mr. Price, by leave, introduced Assembly Bill No. 54—An Act making an appropriation for a deficiency in the office of the Secretary of State in the thirteenth and fourteenth fiscal years.

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

Mr. Smyth (of Lander), by leave, introduced Assembly Bill No. 55—An Act for the greater security of life, by providing for the use of safety cages and iron bonnets in vertical shafts of more than four hundred feet in depth.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Mines and Mining Interests and ordered printed.

Mr. Plummer, by leave, introduced Assembly Bill No. 56—An Act to pay the deficiencies in the appropriations of the thirteenth and fourteenth fiscal years.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 25—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 9, 1865, and acts amendatory thereof, approved March 5, 1877.

Bill read first time.

Senate Bill No. 53—An Act to repeal an Act entitled "An Act to incorporate the town of Eureka," approved March 1, 1877.

Bill read first and second time under suspension of rules; ordered on general file.

Senate Concurrent Resolution No. 16, relative to the formation of a select committee of fourteen.

Read and adopted.

## GENERAL FILE AND THIRD READING OF BILLS.

Assembly Bill No. 22—An Act to provide for the compensation of witnesses in criminal cases.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Frazer, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson and Mr. Speaker—42.

NAYS—Mr. Smith, of Eureka—1.

Absent—Messrs. Allen (of Storey), Davies, Ferguson, Lane, Wermuth and Williams.

Assembly Bill No. 48—An Act amendatory of and supplementary to an Act entitled "An Act to exempt the homestead and other property from forced sale in certain cases," approved March 6, 1865.

Bill indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkay, Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson and Mr. Speaker—43.

NAYS—Mr. Powell—1.

Absent—Messrs. Allen, of Storey, Andrews, Ferguson, Wermuth and Williams.

Assembly Bill No. 50—An Act to amend Section 341, Title 9, of appeals in civil actions, and Chapter 1 of appeals in general.

Ordered engrossed.

On motion of Mr. Mayhugh, at 12:10 p. m. the House adjourned.

Approved:

U. E. ALLEN,

Speaker of Assembly, *pro tem*.

Attest:

J. M. WOODWORTH,

Chief Clerk of the Assembly.

## TWENTY-FOURTH DAY.

CARSON CITY, NEV., January 29, 1879.

The House met pursuant to adjournment.

Speaker *pro tem*. in the chair.

Roll called.

Absent—Messrs. Ferguson, Lyons (of Storey), Wermuth, Williams and Mr. Speaker.

Mr. Allen (of Storey) asked leave of absence of Mr. Lyon (of Storey), for one day.

Granted.

Mr. Mayhugh asked leave of absence for Mr. Speaker, for one day.

Granted.

Mr. Vansickle asked leave of absence for Mr. Irvine, for one week.

Granted.

Prayer by the Rev. Mr. Weir.

Journal of the twenty-third day read and approved.

Mr. Fisk asked leave to change his vote on Assembly Bill No. 22—An Act to provide for the compensation of witnesses in criminal cases, from aye to no.

Granted.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Standing Committee on Engrossment have carefully compared Assembly Bills Nos. 15, 38 and 50 with the originals, and find them correctly engrossed.

Very respectfully,

J. C. HARLOW, Chairman.

*Mr. Speaker:*

Your Committee on Claims, to whom was referred Assembly Bill No. 54, an Act making an appropriation for a deficiency in the office of the Secretary of State for the thirteenth and fourteenth fiscal years, beg leave to report that they have had the same under consideration and recommend its passage.

B. L. PLUMMER, Chairman.

*Mr. Speaker:*

Your Committee on Claims, to whom was referred Assembly Bill No. 42—An Act for the relief of James Holland, beg leave to report that they have had the same under consideration, have amended the same, and recommend its passage as amended.

B. L. PLUMMER, Chairman.

*Mr. Speaker:*

Your Committee on Internal Improvements have had Assembly Bill No. 9 under consideration, and beg leave to recommend certain amendments to the bill, which amendments are herewith submitted. With these amendments, your committee report favorably upon the bill and recommend that it do pass.

J. L. HANNA, Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Fisk moved that the remonstrances relative to the Drummers' License and the Attachment Laws, which have been referred to the Judiciary Committee be re-referred to the Committee on Trades and Manufactures.

Motion carried.

By Mr. Mayhugh:

*Resolved*, That H. S. Mason (of Carson) be, and he is hereby requested, to deliver a lecture on some future evening (to be named by him) upon the subject of Fares and Freights, and other matter relating thereto.

Adopted.

By Mr. Lane:

*Resolved*, That the Sergeant-at-Arms be, and is hereby authorized, to have a sufficient number of letter-heads printed for the use and convenience of members of this Assembly, to be on note and letter paper.

Lost.

By Mr. Davies:

*Resolved*, That all bills in relation to Freight and Fares on railroads now pending in the Assembly, be referred to the Special Committee of the Senate and Assembly, provided for by Senate Concurrent Resolution of twenty-seven January.

Laid temporarily on the table.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEVADA, January 28, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 38—Entitled “An Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, and repeal all other Acts in relation thereto,” approved March 8, 1869, which passed the Senate this day by the following vote: Yeas, 24; nays, none.

Also, Senate Bill No. 11—An Act to create a State Board of Equalization, to define its powers and duties, and to fix the compensation of its members, which passed the Senate this day by the following vote: Yeas, 25; nays, none.

THOS. S. DAVENPORT

Assistant Secretary of Senate.

#### SECOND READING OF BILLS.

Senate Bill No. 25—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 9, 1865, and Acts amendatory thereof, approved March 5, 1877.

Bill read second time, and referred to the Judiciary Committee.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Harlow, by leave, introduced Assembly Bill No. 57—An Act to establish a State Printing Office, and to create the office of State Superintendent of State Printing.

Bill read first time, rules were suspended, read second time by title, and referred to Judiciary Committee, and ordered printed.

Mr. Melarkay, by leave, introduced Assembly Bill No. 58—An Act relating to the exhuming and transportation of dead persons.

Bill read first time, rules were suspended, read second time by title, and referred to the Committee on Public Morals, and ordered printed.

Mr. Davies, by leave, introduced Assembly Bill No. 59—An Act to provide a residence for the Governor of the State of Nevada.

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

Senate Bill No. 38—An Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, and repeal all other Acts in relation thereto, approved March 8, 1869.

Bill read first time, rules were suspended, read second time by title, and referred to Judiciary Committee.

Mr. Howe, by leave, introduced Assembly Bill No. 60—An Act to create a State Board of Examination, and ordered printed.

Bill read first time, rules were suspended, read second time by title, referred to Committee on Education, and ordered printed.

By Mr. Howe:

Assembly Bill No. 61—An Act to amend an Act entitled "An Act to provide for the maintenance and supervision of the Public Schools," approved March 20, 1865, and amended by Acts approved March 8, 1867, March 5, 1869, March 7, 1873, March 5, 1877.

Bill read first time, rules were suspended, read second time by title, referred to Committee on Education, and ordered printed.

Senate Bill No. 11—An Act to create a State Board of Equalization, to define its powers and duties, and to fix the compensation of its members.

Bill read first time, rules were suspended, read second time by title, and referred to the Committee of the Whole.

Mr. Paton, by leave, introduced Assembly Bill No. 62—An Act to amend an Act entitled "An Act to amend sections one, three, four, five, and twenty-two of an Act entitled 'An Act to provide for the government of the State Prison of the State of Nevada,'" approved March 7, 1873, approved February 8, 1877.

Bill read first time, rules suspended, read second time by title, referred to Committee on State Prison, and ordered printed.

#### GENERAL FILE.

Senate Bill No. 53—An Act to repeal an Act entitled "An Act to incorporate the town of Eureka," approved March 1, 1877.

Bill read third time and passed by the following vote:

YEAS—Messrs Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, and Wilson—42.

NAYS—None.

Absent—Messrs. Ferguson, Lyons, of Storey, Lyon, of White Pine, Smith, of Eureka, Wermuth, Williams, and Mr. Speaker.

On motion of Mr. Allen, of Storey, the House took a recess at 12 m. for one hour.

### AFTERNOON SESSION.

House in session at 1:6 P. M.

Speaker *pro tem.* in the chair.

Roll called.

Quorum present.

Mr. Lane asked leave of absence for the Committee on State Prison for the remainder of the day.

Granted.

Mr. Underwood asked leave of absence for Mr. Foulks for the remainder of the day.

Granted.

### GENERAL FILE.

Assembly Bill No. 50—An Act to amend Section 341, Title 9, of Appeals in Civil Actions, and Chapter One of Appeals in General.

Bill read third time.

Mr. Beard asked to be excused from voting.

Request granted.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Eldred, Fisk, Flannery, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Underwood, Watt, and Wilson—28.

NAYS—Messrs. Harlow, Kennedy, Powell, Smith, of Lyon, Smyth, of Lander, Taylor, and Vansickle—7.

Absent—Messrs. Crawford, Davies, Foulks, Ferguson, Howe, Irvine, Lyons, of Storey, Morrison, Plummer, Prisk, Wermuth, Williams, and Mr. Speaker.

Assembly Bill No. 38—An Act to amend an Act entitled “An Act to regulate proceedings in civil cases of the Courts of Justice of this State, and to repeal all other Acts in relation thereto,” approved March 8, 1869.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Gibson, Hanna, Harlow, Howe, Lawson, Lyon, of White Pine, Mayhugh, Paton, Shakespeare, Sharp, Smith, of Lyon, Taylor, Underwood, and Wilson—19.

NAYS—Messrs. Beard, Fisk, Flannery, Fraser, Fulton, Green, Hagar, Kennedy, Lamb, Lane, Melarkey, Powell, Price, Robinson, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Vansickle, and Watt—19.

Absent—Messrs. Crawford, Foulks, Ferguson, Irvine, Lyons, of Storey, Morrison, Plummer, Prisk, Wermuth, Williams, and Mr. Speaker.

Assembly Bill No. 15—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.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Eldred, Flannery, Fraser, Gibson, Hager, Hanna, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Powell, Price, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smith, of Lander, Taylor, Underwood, Watt, Wilson—30.

NAYS—Messrs. Davies, Fisk, Fulton, Green, Robinson, Vansickle—6.

Absent—Messrs. Allen, of Storey, Crawford, Ferguson, Irvine, Lyons of Storey, Morrison, Plummer, Prisk, Shakespeare, Wermuth, Williams, and Mr. Speaker.

Mr. Howe moved that Assembly Bills Nos. 60 and 61 be referred to referred to the Committee on Education before the printing of said bills.

Motion carried.

Mr. Fisk gave notice that he would on to-morrow move for a reconsideration of the vote by which Assembly Bill No. 38 failed to pass the House.

Assembly Bill No. 42—An Act to reimburse James Holland for money expended in the prosecution of James Sloan *et al.*, referred to the Committee of the Whole.

On motion of Mr. Powell, the House resolved itself into the Committee of the Whole for the consideration of bills referred to them.

Speaker *pro tem.* in the chair.

In time, the committee arose and reported back Assembly Bill No. 42, with amendments. Also, Senate Bill No. 12, without amendments, and recommendation that the said bills do not pass. Also, Senate Bill No. 11, reported progress thereon, and asked leave to sit again. Also, Assembly Bill No. 47, and recommended its indefinite postponement. and recommended that the same do pass. Also, Assembly Bill No. 3, amended the same, and recommend its passage as amended.

## HOUSE IN SESSION.

Speaker *pro tem.* in the chair.

Report of Committee of the Whole adopted.

On motion of Mr. Hanna, at 2:47 P. M. the House adjourned.

Approved:

N. E. ALLEN,

Speaker of the Assembly *pro tem.*

Attest: J. M. WOODWORTH,

Chief Clerk of the Assembly.

## TWENTY-FIFTH DAY.

CARSON CITY, January 30, 1879.

The House met pursuant to adjournment.

Speaker *pro tem.* in the Chair.

Roll called.

Absent—Messrs. Crawford, Ferguson, Irvine, Wermuth and Williams.

Prayer by the Rev. Mr. Weir.

Mr. Melarkey asked leave of absence for Mr. Crawford for one day.

Granted.

Journal of the twenty-fourth day read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Enrollment beg leave to report that they have carefully compared Assembly Concurrent Resolution No. 31—Amending Article 11 of the Constitution of the State of Nevada.

Also, a Preamble and Joint Resolution for an amendment of the Constitution of the State of Nevada, and have found the same properly enrolled, and have this day handed the same to the Secretary of State.

DANIEL LYONS, Chairman.

*Mr. Speaker :*

Your Committee on Enrollment beg leave to report that they have carefully compared Assembly Joint Resolution No. 8—Requesting our Senators and Representatives in Congress, to use all honorable means to have time extended in which to build Agricultural College, and have found the same properly enrolled, and have this day handed the same to the Secretary of State.

DANIEL LYONS, Chairman.

*Mr. Speaker :*

Your Committee on Corporations and Railroads, have had under consideration Assembly Bill No. 39—Entitled “An Act to prevent discrimination in Fares and Freights by Railroad Companies whose railroads run through the State of Nevada, or by railroad companies, the termini of whose railroads are within the State of Nevada,” have amended the same, and report the same back to the House, and unanimously recommend its passage as amended.

Your Committee would also report that they have examined a clean copy of said Assembly Bill No. 39, embodying all the amendments, in the opinion of your Committee, necessary to said Bill, hereby transmit the same to the House, and unanimously recommend that said clean copy, with amendments embodied, be considered said Assembly Bill No. 39 (known as the Williams Bill) engrossed.

J. P. SMITH, Chairman.

*Mr. Speaker:*

Your Committee on Elections, to whom was referred the petition and other papers in the contested election case wherein Mr. McGowan

appears as plaintiff, claiming that he was lawfully elected as a member of the Assembly from the county of Esmeralda, on Tuesday, the sixth of November, A. D. 1878, and asks for an investigation of the subject-matter as against the sitting member from that county, Mr. Eldred, defendant.

Your committee beg leave to report that they, in conformity to the request of the plaintiff, have had the subject under consideration, and have carefully examined a large amount of written testimony, and have heard some witnesses in relation thereto, as well as counsel for both plaintiff and defendant.

We have also examined the law bearing upon the case, as well as some authorities in relation thereto, and find that the statute of this State—"An Act relating to elections," approved March 12, 1873, section 52, reads as follows:

"In case of contest for Senator or Assemblyman in any county or district of this State, the party contesting shall file a statement in the Clerk's office of the county or district in which such Senator or Assemblyman may be a resident, a concise statement of the grounds on which he intends to rely, which statement shall be verified by affidavit; and it shall be the duty of the clerk to issue a commission directed to two justices of the peace of such county, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the filing of such papers."

It appears from the testimony in the case, and the papers accompanying the same, that the plaintiff wholly neglected to comply with the plain requirements of the law. There has also been some testimony filed with us in relation to alleged irregularities in the election precinct of Candelaria, in said county of Esmeralda, which testimony, we are of the opinion, is not pertinent to the case under consideration, for the reason that it refers wholly to the contested case of Greely *v.* Hollard, for the office of District Attorney of said Esmeralda county. All authorities, as well as recent decisions of the Supreme Court of the several States, agree that the omission on the part of the Board of Elections to perform some incidental or minor duty or requirement of the election laws, or the irregularity of papers for the want of certain formula in presenting facts, or any act or acts of the Board of Elections, does not totally destroy or invalidate the result that A. B. C. and D. received a certain number of votes. Both justice to the elector and sound public policy forbid that such elections should be held null and void, or inoperative, upon one or more candidates in such election precinct. It is true that the Constitution of this State, Article 4, Section 6, declares that each House shall judge of the qualifications, elections and returns of its own members. But as the plaintiff has failed to comply with the before-mentioned statutes, which are incidental to the Constitution, and is intended to give full force and effect to this provision, he cannot avail himself of its benefits, for this reason, and others above-mentioned.

Your committee recommend that the whole subject-matter be referred to the Assembly for such action as they may deem just and proper, in view of the facts herein set forth.

OWEN FRASER, Chairman.

*Mr. Speaker :*

Your Committee on Contingent Expenses and Accounts have had under consideration certain bills presented by the Sergeant-at-Arms of the Assembly, against the State of Nevada, to wit:

T. J. Williamson .....	\$49 00
Harris & Brother .....	11 00
L. Morris .....	7 50
B. F. Foster .....	2 50
Lew Doron .....	25 00
C. H. Stoddard, Cal. Codes .....	20 00
E. B. Rail .....	86 50
John G. Fox .....	80 13
Wm. H. Minor .....	43 50
E. M. Hunt, for labor and lumber .....	90 70
A. Ames .....	12 50
Total .....	<u>\$428 33</u>

Having examined the merits of the above bills, report them correct, and recommend the adoption of the accompanying resolution, providing for their payment.

*Resolved*, That the Controller of State be and is hereby authorized to draw his warrant in favor of C. H. Stoddard, Sergeant-at-Arms of the Assembly, for the sum of four hundred and twenty-eight and 33-100 dollars (\$428.33), the same to be paid from the Legislative Fund.

H. VANSICKLE, Chairman.

*Mr. Speaker :*

Your Committee on Mines and Mining Interests have had Assembly Bill No. 55 under consideration, and beg leave to recommend certain amendments, which are herewith respectfully submitted.

With these amendments, your Committee report favorably upon the bill, and recommend that it do pass.

JNO. E. ALLEN, Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Fisk moved to reconsider the vote by which Assembly Bill No. 38—An Act to amend an Act entitled “An Act to regulate proceedings in civil cases of the Courts of Justice of this State, and to repeal all other Acts in relation thereto,” was lost.

Motion carried.

On motion of Mr. Mayhugh, Assembly Bill No. 38 was made the special order for the third of February, at one p. m.

By Mr. Robinson:

Assembly Memorial and Joint Resolution No. 11, relative to submitting Constitutional amendments to the voters of this State.

Bill read first time, rules suspended, read second time by title, and considered engrossed.

By Mr. Allen (of Storey):

That the Committee on State Institutions, to whom was referred Assembly Bill No. 24, be and are hereby requested to report upon said bill by twelve o'clock to-morrow, or to return said bill to the house, on or before that hour.

Motion carried.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV. January 19, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your honorable body, Senate Bill No. 59, entitled "An Act to enable the Commissioners of Eureka County to liquidate certain indebtedness against the road fund of Eureka Road District No. 1, which passed the Senate this day. Yeas, 20; nays, none.

I also return to your honorable body Senate Joint Memorial and Resolution No. 15, asking Senators and Representatives in Congress to procure appropriation for the erection of a building to accommodate United States Courts in Carson; the Senate having this day refused to concur in Assembly amendments by the following vote: Yeas, 10; nays, 12.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Mr. Mayhugh moved that the House recede from its amendment to Senate Joint Memorial and Resolution No. 15, as per Senate Message.

The question being put, the House insisted on its amendment.

## NOTICE OF BILLS.

Mr. Harlow gave notice that he would, on some future day, introduce an Act entitled "An Act concerning vagrancy and vagrants.

## INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Fraser:

Assembly Bill No. 63—An Act authorizing the employment of criminals at labor in certain cases.

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

Mr. Smith (of Eureka), by leave, introduced Assembly Bill No. 64—An Act in relation to the measurement of charcoal.

Bill read first time, rules were suspended, read second time by title, referred to the Judiciary Committee, and ordered printed.

Mr. Allen (of Storey), by leave, introduced Assembly Bill No. 65—An Act to amend 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, approved March 8, 1869.

Bill read first time, rules were suspended, read second time by title, referred to Judiciary Committee, and ordered printed.

## SPECIAL ORDER.

Assembly Bill No. 1—An Act to provide for the taking care of the Insane of the State of Nevada.

Mr. Plummer moved that the further consideration of the bill be postponed until Thursday, the sixth proximo, at twelve o'clock m.

Messrs. Davies, Lyons (of Storey) and Robinson, moved the previous question—the question being, shall the main question be now put.

The main question was ordered by a majority vote.

The question being on the motion of Mr. Plummer, the roll called and motion carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Fraser, Green, Howe, Kennedy, Lamb, Lane, Lyons, of Storey, Melarkey, Morrison, Plummer, Robinson, Smith, of Lyon, Smyth, of Lander, and Watt—23.

NAYS—Messrs. Foulks, Fulton, Gibson, Hagar, Hanna, Harlow, Lawson, Lyon, of White Pine, Mayhugh, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, and Wilson—21.

Absent—Messrs. Ferguson, Irvine, Wermuth, Wilson, and Mr. Speaker.

Mr. Eldridge, by leave, introduced Assembly Bill No. 66—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.

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

By Mr. Lyon (of White Pine), Assembly Bill No. 67—An Act to disincorporate the town of Fresno City, in White Pine County.

Bill read first time, rules were suspended, read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hanna, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, and Wilson—39.

NAYS—none.

Absent—Messrs. Allen, of Storey, Ferguson, Hagar, Irvine, Melarkey, Plummer, Price, Wermuth, Williams, and Mr. Speaker.

#### SENATE MESSAGES.

STATE OF NEVADA, SENATE CHAMBER,  
CARSON CITY, January 30, 1879. }

*To the Honorable the Assembly:*

I am instructed to inform your Honorable Body that the following named members of the Senate and Assembly have been selected as the Select Committee of fourteen, as provided for by Senate Resolution No. 16.

Eureka County .....	Senator Doolin.
Storey County .....	Assemblyman Lane.
Elko County .....	Assemblyman Plummer.
Lyon County .....	Senator King.
Lander County .....	Assemblyman Watt.
Lincoln County .....	Assemblyman U. E. Allen.
Washoe County .....	Senator Boardman.
Douglas County .....	Assemblyman Vansickle.
Ormsby County .....	Assemblyman Davies.
Churchill County .....	Senator Kaiser.
Humboldt County .....	Senator Thompson.
Esmeralda County .....	Senator Gallagher.
Nye County .....	Assemblyman Williams.
White Pine County .....	Senator Comins.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Mr. Beard, at 12:25 P. M., moved that the House take a recess for one hour.

Motion carried.

### AFTERNOON SESSION.

House in session at 1:25 P. M.

Speaker *pro tem.* in the chair.

Roll called.

Quorum present.

### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Crawford, by leave, introduced Assembly Bill No. 68—An Act to License Laundries.

Bill read first time, rules were suspended, read second time by title, referred to the Committee on Ways and Means, and ordered printed.

By Mr. Kennedy:

Assembly Bill No. 69—An Act to prohibit the collection of accounts for liquors sold at retail.

Bill read first time, rules suspended, read second time by title, referred to the Committee on Public Morals, and ordered printed.

Mr. Lamb, by leave, introduced Assembly Bill No. 70—An Act to abolish the office of County Superintendent of Public Schools.

Bill read first time, rules suspended, read second time by title, referred to the Committee on Education, and ordered printed.

Senate Bill No. 59—An Act to enable the Commissioners of Eureka County to liquidate certain indebtedness against the road fund of Eureka Road District No. 1.

Bill read first time, rules suspended, read second time by title, and referred to the Eureka County delegation.

By Mr. Davies:

Assembly Bill No. 71—An act to provide a supply of water for the Capital and the State Orphans' Home.

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

Mr. Speaker appointed Mr. Hagar as temporary chairman of the Committee on Public Morals.

On motion of Mr. Morrison, Senate message was taken up.

# SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., January 30, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your honorable body, Senate Bill No. 42, entitled "An Act to provide for the payment of the claim of Z. S. Eldridge," which passed the Senate this day: Yeas, 21; nays, 4. Also, Senate Bill No. 55, entitled "An Act to provide for the safe keeping of the moneys of the State of Nevada," which passed the senate this day: Yeas, 25; Nays, 0. Also, Senate Concurrent Resolution No. 23, relative to printing report of Board of Regents, which was this day unanimously adopted by the Senate. I also return to your Honorable Body, Assembly Joint Resolution No. 9, in relation to the Indian tribes of North-eastern Nevada, which passed the Senate on yesterday: Yeas, 22; nays, 0. I also return Assembly Bill No. 7, entitled "An Act to regulate the sale of poisons, medicines and patent medicines," which was this day indefinitely postponed by the Senate.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

On motion of Mr. Morrison, Senate Bill No. 55, as per Senate Message, was taken up, and the same read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 42, as per Senate Message.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the whole.

Senate Concurrent Resolution No. 23, as per Senate Message.

Bill read and Adopted.

On motion of Mr. Fisk, the House resolved itself into the Committee of the Whole, for the consideration of Senate Bill No. 55.

Speaker *pro tem.* in the Chair.

In time, the Committee arose and reported back to the House Senate Bill No. 55, without amendment, recommending its passage. Also, Senate Bill No. 42; reported progress thereon, and asked leave to sit again.

Speaker *pro tem.* in the chair.

Report of the Committee of the Whole adopted.

# GENERAL FILE.

Assembly Bill No. 39—An Act to prevent discrimination in fares and freights by railroad companies whose railroads run through the State of Nevada, or by railroad companies the terminus or termini of whose rail-

roads are within the boundaries of the State of Nevada; amendments reported by committee adopted.

The bill considered engrossed.

Read third time.

Mr. Davies moved to take the resolution relative to the reference of all railroad bills to the Select Committee of Fourteen from the table.

Motion ruled out of order.

Mr. Davies moved that Assembly Bill No. 39 be re-referred to the Special Committee of Fourteen.

Motion lost.

Mr. Davies, at 2:36 p. m., moved that the House do now adjourn.

Motion lost.

Mr. Smith, of Lyon, moved that Assembly Bill No. 39 be made the special order for the seventh proximo, at twelve m.

Motion lost.

Roll called, and Assembly Bill No. 39 passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hager, Hanna, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson—43.

NAYS—Mr. Paton—1.

Absent—Messrs. Ferguson, Irvine, Wermuth, Williams, and Mr. Speaker.

On motion of Mr. Smith, of Eureka, at 2:40 p. m., the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

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## TWENTY-SIXTH DAY.

CARSON CITY, January 31, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Ferguson, Irvine, Wermuth and Williams.

Prayer by the Rev. Mr. Weir.

Mr. Fisk asked leave of absence until the sixth proximo.

Granted.

Mr. Smyth, of Lander, asked leave of absence for Mr. Hager, for one day.

Granted.

Journal of the twenty-fifth day read and approved.

Mr. Speaker presented the following communication from Mr. H. S. Mason.

CARSON CITY, January 30, 1879.

*To Hon. H. A. Gaston, and Members of the Assembly:*

Gentlemen—Your courteous invitation to deliver an address upon the subject of Fares and Freights, is received, and in reply, I would say, that although I do not think that I can say much that is new upon the subject, which has been so largely discussed of late, yet I do not feel at liberty to decline your invitation.

I will therefore name Monday evening, February 3, as the time. If, however, any other evening would be more convenient to you, it will be just as acceptable to me.

Very respectfully yours,

H. S. MASON.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary have had under consideration Assembly Bill No. 40—Entitled “An Act to amend Section 128 of An Act 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,’” approved March 8, 1869, report the same back to the House, and recommend its passage.

Also, have had Assembly Bill No. 46—Entitled “An Act to prohibit the transportation and storage and manufacture, in certain instances, of giant powder, and other dangerous explosives, beg leave to report, after consideration, that the bill do pass, with the following amendments: Insert the words, “January, 1880,” instead of “July, 1879.” And the Act to take effect, and be in force, from and after the first day of January, A. D. 1880.

Also, have had Assembly Bill No. 12—Entitled “An Act to provide for the districting of the several counties of this State into Commissioners’ districts, to provide and define their boundaries, and regulate the election of Commissioners thereof,” have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage.

Also, have had Senate Bill No. 25—Entitled “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 9, 1865, and of Acts amendatory thereof, approved March 5, 1877,

beg leave to report that they have had the same under consideration, and recommend its passage.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Agriculture, have had under consideration Assembly Bill No. 45—Entitled “An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences, or otherwise. And domestic animals from being shot by persons, while hunting on inclosed premises, and providing for payment of such damages so done,” and beg leave to report favorably on the same, with recommendation that the same do pass.

Also, have had under consideration Assembly Bill No. 51—Entitled “An Act to make it unlawful for the owner or owners of swine to allow them to run at large during a certain period of each year, from and after the approval of this Act.” We beg leave to offer amendments to Sections 1 and 2, which are herewith submitted. With said amendments we beg leave to report favorably on the same, with the recommendation that the same do pass.

O. P. CRAWFORD, Chairman.

*Mr. Speaker:*

Your Committee on State Institutions, have had under consideration Assembly Bill No. 43—Entitled “An Act to amend Section 1 of an Act entitled ‘An Act for the government and maintenance of the State Orphans’ Home.’” We beg leave to ask that the same may be indefinitely postponed.

Also, have had under consideration Assembly Bill No. 24—Entitled “An Act for the government and maintenance of the State Orphans’ Home,” approved March 1, 1873. We beg leave to offer an amendment to Section 2, as is herein provided. Also, to report the same back without recommendation.

E. N. UNDERWOOD, Chairman.

*Mr. Speaker:*

Your Committee on Enrollment, beg leave to report that they have carefully compared Assembly Joint Resolution No. 9—Relative to “Indian tribes in North-eastern Nevada,” and have found the same correctly enrolled, and have this day handed the same to the Secretary of State.

DANIEL LYONS, Chairman.

*Mr. Speaker:*

Your Committee on State Prison have had Assembly Bill No. 62—An Act to amend an Act entitled “An Act to amend sections one, three, four, five and twenty-two of an Act entitled An Act to provide for the government of the State Prison of the State of Nevada,” approved March 7, 1873; approved February 8, 1877, under consideration, and beg leave to report unfavorably on the same, with the recommendation that it be indefinitely postponed.

Also, in concert with the committee from the other House, have had under consideration the present management of the State Prison of Nevada, as evidenced by the condition of the buildings, the prisoners, and the accounts, and beg leave to report as follows:

That we have examined the Biennial Report of the Warden of the

State Prison for the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight; that we have verified it, and that we have found it to compare favorably with the report of the former Warden in all respects; also, that the expense per capita has been somewhat reduced during the past two years.

We have examined thoroughly into the system of discipline, the number and disposition of the guard, and the methods of punishment; into all that relates to the commissary and medical departments, to the enforcement of hard labor in the stone quarry, and to the operation of the several industries.

We have found that the prisoners are treated in a humane manner; that they are well provisioned and well clothed; that the medical advice furnished them is equal to the best that the profession of this county affords.

We have found all books, records and accounts to be correct.

The manufacture and sale of boots and shoes, which has become a business of much profit to the State, is most economically conducted. The factory is an excellent stone structure built by convict labor, under the direction of the present Warden.

Full service is exacted of the free, paid agents of the State employed in the Prison. The precautions for the safe-keeping of criminals are thorough and efficient. Two attempts to break prison have been made; both were unsuccessful.

There is no hospital, and within the present buildings there is no room for a hospital, which is much needed; a perfect sanitary system is impossible without it. Such action by your Honorable Body as would put it within the power of the Warden to provide a hospital, your committee would respectfully recommend. They would also in this place recommend to the attending physician that he should show consideration for a convict patient somewhat commensurate with that bestowed upon other classes within his practice.

Our investigation into all of the above matters has included the taking of testimony relating thereto.

The guards, the prisoners, the attachees, and the officers, have spoken alike in favorable terms of the good government of C. C. Batterman during his entire wardenship, which is the report of your committee.

A. MORRISON, Chairman.

*Mr. Speaker:*

Your Committee on Public Morals have had Assembly Bill No. 58—An Act relating to the exhuming and transportation of dead persons, under consideration, and recommend that it do not pass.

T. E. HAGAR, Chairman *pro tem*.

Speaker *pro tem*. in the chair.

#### MOTIONS AND RESOLUTIONS.

Mr. Vansickle moved that the report of the Committee on Contingent Expenses and Accounts, as read yesterday, be adopted.

Motion carried.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV. January 30, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 47, entitled "An Act to provide for the mode and manner of granting leave of absence to State and County officers in this State, which passed the Senate this day: Yeas, 23; nays, 2. Also, Senate Joint Resolution No. 22, petitioning Congress to donate arid lands to citizens who shall perfect flowing wells in this State, which passed the Senate this day: Yeas, 25; nays, 0.

I have also the honor to inform your Honorable Body, that the Senate has this day appointed a Conference Committee, consisting of three members—Senators Meder, Cassidy, and King—to consider Assembly Amendment to Senate Joint Resolution No. 15, asking Senators and Representatives in Congress to procure appropriation for the erection of a building to accommodate United States Courts in Carson.

Also, Senate Bill No. 3, entitled "An Act to encourage the construction of a railroad from some point on the line of the Central Pacific Railroad in the county of Elko, to the town of Tuscarora in said county, which passed the Senate this day, by the following vote: Yeas, 23; nays, 2.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Mr. Hagar moved the appointment of a Committee of Conference on part of the House, consisting of three members, to consider Assembly Amendment to Senate Joint Resolution No. 15, as per Senate message.

Motion carried, and Messrs. Hagar, Davies, and Smith (of Storey), were appointed as such Committee.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Mayhugh, by leave, introduced Assembly Bill No. 72—An Act for the relief of L. Morris & Co., Frank Boskowitz, John P. Meder, and Western Union Telegraph Co.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Mr. Smith (of Eureka), by leave, introduced Assembly Bill No. 73—An Act in relation to the burial of the dead in incorporated cities, in the State of Nevada.

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

Mr. Mayhugh, by leave, introduced Assembly Bill No. 74—An Act to amend an Act entitled "An Act fixing the number of officers and employees of the Senate and Assembly, to define their duties and establish their pay," approved March 7, 1873.

Bill read first time.

Senate Joint Resolution No. 22, petitioning Congress to donate arid lands to citizens who shall perfect flowing wells in this State.

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

Senate Bill No. 47—An Act to provide for the mode and manner of granting leave of absence to State and County officers in this State.

Bill read first time, and on motion of Mr. Smith (of Storey), the bill was rejected by a vote of 23 to 11.

Senate Bill No. 3—An Act to encourage the construction of a railroad from some point on the line of the Central Pacific Railroad, in the County of Elko, to the town of Tuscarora in said County.

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

#### GENERAL FILE.

Assembly Bill No. 56—An Act to pay the deficiencies in the appropriations for the thirteenth and fourteenth fiscal years.

Ordered engrossed.

Senate Bill No. 12—An Act to provide for the payment of certain legislative expenses of the year 1875.

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

YEAS—Messrs. Allen of Lincoln, Allen of Storey, Andrews, Beard Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Lamb, Lane, Lawson, Lyons, of Storey, Lyon of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, and Wilson—38.

NAYS—Messrs. Kennedy, Melarkey, Shakespeare, Smith, of Lyon, and Smyth, of Lander—5.

Absent—Messrs. Davies, Ferguson, Irvine, Wermuth, Williams, and Mr. Speaker.

Assembly Joint Resolution No. 11, relative to submitting the Constitutional Amendments to the voters of this State.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson—43.

NAYS—None.

Absent—Messrs. Davies, Ferguson, Irvine, Wermuth, Williams and Mr. Speaker.

Assembly Bill No. 42—An Act to reimburse James Holland for money expended in the prosecution of Jerry Sloan, Isaac McManus and Wm. Dean, for the murder of Benjamin Holland and W. H. Carter.

Amendment reported by committee adopted, and bill ordered engrossed as amended.

Assembly Bill No. 28—An Act for the relief of Jerry Schooling, late State Treasurer.

Bill read third time and passed by the following vote:

YEAS.—Messrs. Allen, of Lincoln, Andrews, Crawford, Eldred, Fisk, Foulks, Fraser, Fulton, Gibson, Green, Harlow, Howe, Lamb, Lane, Lawson, Lyon, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Pummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Watt, Wilson, and Mr. Speaker—34.

NAYS.—Messrs. Allen, of Storey, Beard, Hagar, Hanna, Powell, Smyth, of Lander, Underwood, Vansickle—8.

Absent—Messrs. Davies, Flannery, Ferguson, Irvine, Kennedy, Wermuth, and Williams.

Assembly Bill No. 27—An Act to protect the Orphan's Home against loss or damage by fire.

Laid on the table.

Assembly Bill No. 3—An Act to encourage the collection and classification of the various minerals, ores, fossils and other specimens, placed and used in the public and private cabinets in the State of Nevada.

Amendments reported by committee adopted, and on motion of Mr. Plummer, the bill was indefinitely postponed.

Assembly Bill No. 9—An Act amendatory of and supplementary to an Act to provide for the preservation of fish in the waters of this State.

Amendments reported by committee adopted, and bill ordered engrossed.

Assembly Bill No. 54—An Act making an appropriation for a deficiency in the office of Secretary of State in the thirteenth and fourteenth fiscal years.

Ordered engrossed.

Assembly Bill No. 55—An Act for the greater security of life, by providing for the use of safety cages and iron bonnets in vertical shafts of more than four hundred feet in depth.

Amendments reported by committee adopted, and bill ordered engrossed as amended.

Senate Bill No. 55—An Act to provide for the safe keeping of the moneys of the State of Nevada.

Returned to the Senate for correct endorsement.

Mr. Smith (of Lyon), at 12:48 P. M., moved to adjourn.

Motion lost.

Mr. Allen (of Storey), at 12:50 P. M., moved that the House adjourn until Monday, February 3, 1879.

Motion carried.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

## TWENTY-NINTH DAY.

CARSON CITY, February 3, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Fisk, Flannery, Robinson and Wermuth.

Prayer by the Rev. Mr. Davis.

Mr. Smith (of Eureka) asked leave of absence for Mr. Robinson for one day.

Granted.

Mr. Lane asked leave of absence for Mr. Flannery for two days.

Granted.

Journal of the twenty-sixth day read and approved.

Mr. Speaker announced that Mr. H. S. Mason will deliver his lecture on Fares and Freights at the Opera House in Carson City, instead of the Assembly Chamber, as previously announced.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Engrossment have carefully compared Assembly Bills Nos. 42, 47, 54 and 56, with the original, and find them correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker:*

Your Committee on Education, to whom was referred Assembly Bill No. 70, entitled "An Act to abolish the office of County Superintendent of Public Schools," have had the same under consideration, and beg leave to report upon the said bill, and with the amendments hereto attached, recommend it do pass.

Also, have had Assembly Bill No. 21, entitled an Act supplementary to an Act entitled "An Act to provide for the maintenance and supervision of Public Schools," approved March 20, 1865, approved March 8, 1867, approved March 5, 1869, approved March 7, 1873, approved March 5, 1877, under consideration, and beg leave to report favorably on said bill, and recommend it do pass.

Also, have had Assembly Bill No. 61, entitled an Act to amend an Act entitled "An Act to provide for the maintenance and supervision of the Public Schools," approved March 20, 1865, and amended by Acts approved March 8, 1867, March 5, 1869, March 7, 1873, March 5, 1877, under consideration, and recommend its passage.

G. W. WILSON, Chairman.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 23—Entitled "An Act to prohibit the employment of Chinese and Mongolians," having had the same under consideration, beg leave to submit the following report:

We are led to believe, that the object in view in the introduction of said bill, is to aid, if possible, in removing from our Commonwealth of the innumerable evils entailed upon it by the presence among us of Chinese. The object to be attained, is a most laudable one, and we feel disposed to sanction and advance any and all means, calculated to effect it, unless met and exposed by constitutional or moral barriers, as to the latter, we are satisfied, beyond cavil, there are none, as to the former we are not so clear, but, on mature reflection, think there is barely a doubt as to the constitutionality of the law, if enacted; and we feel disposed to give the benefit of the doubt in favor of the passage of any Act which, if it can be enforced, will exert a salutary influence, in numberless ways, throughout the State.

As to Section 1 of the bill, we think there can be no doubt upon either the question of constitutionality or expediency. That the State has a right, in any event, to employ just whom it may choose, under legislative authority, is too plain a proposition to admit of discussion.

As to Section 2. It is contended, that any private person, association or corporation, who employs and pays wages out of private means, has a right to employ whom he or it may choose, ordinarily, even as a general rule, the soundness of this proposition is not disputed; but it must be borne in mind, that the prohibition contemplated by Section 2, is not ordinary in character. The section seeks to set in force this rule: That no right of way, charter, or special privilege, at the disposal of the Legislature, whenever labor shall be performed by hired laborers, shall be granted, except upon the express condition that no Chinese shall be employed in or upon the same. We incline to the opinion that the Legislature have the constitutional power to pass the bill, including therein this extraordinary inhibition; because it certainly has the right to annex to the grant of any right of way, charter, or franchise, just such conditions within the bounds of good morals and public policy as it may choose; and this is true, because it is not obliged or compelled to grant them at all. If we grant a franchise for a toll-road, it is on condition, at least, that it be kept in good condition to facilitate public travel; for if we license one to keep a toll-bridge, we exact like terms. If we grant a right of way for a flume, we hold the owner or owners responsible to the owners of private property, over which it passes, for all damages they may sustain. These facts are all clear in the light of justice. Then in point of right and good morals, as well as public policy, why may we not prevent the incipency of evil, by saying to any person, association, or corporation, asking these favors at our hands: If you want to build a railroad, telegraph line, construct a turnpike, or establish a toll-bridge, you must accept the grant of privilege to do so, upon the express condition that only such laborers shall be employed thereon as are or can become American citizens, and who will not tend to degrade those who are willing to advance instead of retarding the onward march of civilization and the true interests of our State and society, for these reasons, we are, after due consideration, and in view of the great and good results aimed at in the bill, constrained to recommend that it do pass.

U. E. ALLEN, Chairman.  
JOHN S. MAYHUGH,  
C. P. SHAKESPEARE,  
W. B. TAYLOR,  
J. L. SMITH,  
DANIEL LYONS.

## MOTIONS AND RESOLUTIONS.

By Mr. Hager:

*Resolved*, That Assembly Bill No. 58—Entitled “An Act relating to the exhuming and transportation of dead bodies,” be taken from the file and recommitted to the Committee on Public Morals, for further consideration.

Adopted.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., January 31, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 29—Entitled “An Act to provide for obtaining correct statements of the financial condition of the several counties of this State, and other matters of statistical information,” approved February 26, 1873, which passed the Senate this day: Yeas, 23; nays, none.

Also, Senate Bill No 43—“An Act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk,” which passed the Senate this day: Yeas, 22; nays, 2.

Also, Senate Bill No. 51—“An Act concerning the duties of District Judges in this State,” which passed the Senate this day: Yeas, 23; nays, none.

Also, return to your Honorable Body Assembly Bill No. 67—“An Act to disincorporate the town of Fresno City, in White Pine County,” the same having passed the Senate this day: Yeas, 24; nays, none.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

## NOTICES OF BILLS.

Mr. Mayhugh gave notice that he would, on some future day, ask leave to introduce a bill to amend the election laws of this State so as to provide for the election of a Warden of the State Prison by the people in the year 1880, and every four years thereafter.

Mr. Taylor gave notice that he would, on some future day, introduce a bill for an Act to reapportion the State of Nevada for Senators and Members of Assembly.

Also gave notice that he would on to-morrow, or some future day, introduce a bill entitled an Act to amend an Act 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,” approved March 8, 1869, approved March 5, 1877.

## SECOND READING OF BILLS.

Assembly Bill No. 74—An Act to amend an Act entitled “An Act

fixing the number of officers and employees of the Senate and Assembly, to define their duties and establish their pay."

Bill read second time.

Mr. Green moved the indefinite postponement of the bill.

Motion lost by the following vote:

YEAS—Messrs. Crawford, Fraser, Green, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Morrison, Sharp, Smith, of Lyon, Vansickle—13.

NAYS—Messrs. Allen, of Storey, Beard, Eldred, Fulton, Ferguson, Gibson, Hanna, Harlow, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Powell, Price, Prisk, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Williams, Wilson, and Mr. Speaker—25.

Absent—Messrs. Allen, of Lincoln, Andrews, Davies, Fisk, Flannery, Foulks, Hagar, Plummer, Robinson, Shakespeare, and Wermuth.

On motion of Mr. Mayhugh, Assembly Bill No. 74 was referred to the Judiciary Committee.

#### INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Mayhugh:

Assembly Bill No. 75—An Act to prevent breach of the peace and to make words actionable in certain cases.

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

Mr. Allen (of Story), by leave, introduced Assembly Bill No. 76—An Act to protect the rights of owners of stock shares and other interests in the mineral and metal-yielding mines of this State.

Bill read first time, rules were suspended, read second time by title, ordered printed, and referred to the Committee on Mines and Mining Interests.

Mr. Underwood, at 11:53 A. M., moved the appointment of a committee of three to inform the Senate that the Assembly will be ready to meet with them in joint session at 12 M. on the third instant, for the election of State Prison Warden (in accordance with law and Senate Concurrent Resolution No. 18), that the Assembly take a recess until 12 M.

Motion carried, and Messrs. Underwood, Andrews and Crawford were appointed as such committee.

In time the committee returned accompanied by the Senate.

#### IN JOINT CONVENTION.

At twelve o'clock M.

President of the Senate in the chair.

Roll of Senate called.

All present except Mr. Powning.

Roll of Assembly called.

Absent—Messrs. Fisk, Flannery, Robinson, and Wermuth.

By Mr. Westerfield:

*Resolved*, That a majority of the votes cast in the Joint Convention, now assembled, shall be necessary to determine its choice for Warden of the State Prison, to serve the ensuing two years.

Mr. King moved to lay the resolution on the table.  
Roll called, and motion lost by the following vote:

SENATE: YEAS—Messrs. Blair, Cresswell, Gibson, King, Meder, Shepherd, Stewart, Stone, Wheeler—9.

SENATE: NAYS—Messrs. Boardman, Cassidy, Comins, Dangberg, Dayton, Doolin, Farrell, Gallagher, Kaiser, Martin, McConnell, Perley, Schultz, Thompson, Westerfield—15.

SENATE: Absent—Mr. Powning.

ASSEMBLY: YEAS—Messrs. Andrews, Davies, Eldred, Fraser, Fulton, Gibson, Hagar, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Plummer, Prisk, Shakespeare, Smith, of Lyon, Smith, of Storey, Vansickle, Watt, and Mr. Speaker—25.

ASSEMBLY: NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Foulks, Ferguson, Green, Hanna, Howe, Morrison, Paton, Powell, Price, Sharp, Smith, of Eureka, Smyth, of Lander, Taylor, Underwood, Williams, Wilson—20.

ASSEMBLY: Absent—Messrs. Fisk, Flannery, Robinson and Wermuth.

By Mr. Lane:

*Resolved*, That each member of this Joint Convention will arise and stand when his name is called, and announce his choice for Prison Warden.

Adopted.

By Mr. Hagar:

*Resolved*, That all members that are paired shall be dropped from the roll-call of the Joint Convention.

Mr. McConnell moved to lay the resolution on the table.

Motion lost.

On motion of Mr. Cassidy, the resolution of Mr. Hagar was indefinitely postponed.

The President announced that nominations for Warden of the State Prison were in order.

Mr. Martin placed in nomination S. T. Swift, of Ormsby County.

Mr. Gaston placed in nomination C. C. Batterman, of Storey County.

Mr. Cassidy placed in nomination Loyd Rawlins, of Storey County.

Mr. Comins seconded the nomination of S. T. Swift.

Mr. Wheeler seconded the nomination of C. C. Batterman.

Mr. Stewart seconded the nomination of Loyd Rawlins.

There being no objection, the President declared the nominations for Warden closed.

The vote of the Joint Convention resulted as follows:

SENATE: For Batterman—Messrs. Blair, Dangberg, Gibson, King, Meder, Stone, Wheeler—7.

SENATE: For Swift—Messrs. Boardman, Comins, Dayton, Doolin, Farrell, Gallagher, Kaiser, Martin, Perley, Thompson—10.

SENATE: For Rawlings—Cassidy, Cresswell, McConnell, Schultz, Shepherd, Stewart, Westerfield—7.

ASSEMBLY: For Batterman—Beard, Fraser, Fulton, Hanna, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Plummer, Powell, Prisk, Smith, of Lyon, Smith, of Storey, Vansickle, Williams, and Mr. Speaker—21.

ASSEMBLY: For Swift—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Foulks, Ferguson, Mayhugh, Morrison, Paton, Price, Shakespeare, Sharp, Smith, of Eureka, Taylor, Underwood, Wilson—17.

ASSEMBLY: For Rawlins—Messrs. Eldred, Green, Hagar, Irvine, Smyth, of Lander, Watt—6.

For Batterman—28.

For Swift—27.

For Rawlins—13.

Paired—Mr. Gibson.

There being no election, the Convention proceeded to ballot, resulting in a tie vote, as follows:

SENATE—For Batterman—Messrs. Blair, Cresswell, Dangberg, Gibson, King, Meder, Schultz, Shepherd, Stone, Wheeler—10.

For Swift—Messrs. Boardman, Cassidy, Comins, Dayton, Doolin, Farrell, Gallagher, Kaiser, Martin, McConnell, Perley, Stewart, Thompson, Westerfield—14.

ASSEMBLY—For Batterman—Messrs. Beard, Fraser, Fulton, Green, Hagar, Hanna, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Plummer, Powell, Prisk, Smith, of Lyon, Smith, of Storey, Vansickle, Watt, Williams, and Mr. Speaker—24.

For Swift—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Foulks, Ferguson, Irvine, Mayhugh, Morrison, Paton, Price, Shakespeare, Sharp, Smith, of Eureka, Smyth, of Lander, Taylor, Underwood, Wilson—20.

For C. C. Batterman—34.

For S. T. Swift—34.

Mr. Foulkes moved that the Convention take a recess for ten minutes.

Motion lost.

Mr. Lyon (of White Pine) moved to adjourn.

Motion lost.

The roll was again called, resulting as follows:

SENATE—For Batterman—Messrs. Blair, Boardman, Cresswell, Dangberg, Gibson, King, Meder, Schultz, Shepherd, Stone, Wheeler—11.

For Swift—Messrs. Cassidy, Comins, Dayton, Doolin, Farrell, Gallagher, Kaiser, Martin, McConnell, Perley, Stewart, Thompson—12.

ASSEMBLY—For Batterman—Messrs. Beard, Fraser, Fulton, Green, Hagar, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Plummer, Powell, Prisk, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Williams, and Mr. Speaker—26.

For Swift—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Foulks, Ferguson, Irvine, Mayhugh, Morrison, Paton, Price, Shakespeare, Sharp, Smith, of Eureka, Taylor, Wilson—18.

For C. C. Batterman—37.

For S. T. Swift—30.

C. C. Batterman having received a majority of all the votes cast in Joint Convention, was declared by the President thereof elected Warden of the State Prison for the ensuing two years.

On motion of Mr. Shakespeare, at 1:05 P. M., the Joint Convention adjourned *sine die*.

## HOUSE IN SESSION.

At 1:08 P. M.

Mr. Speaker in the chair.

Mr. Foulks, at 1:09 P. M., moved that the House take a recess for one hour.

Mr. Allen moved to adjourn.

The ayes and nays being called for on the motion to adjourn,

Roll called, and motion to adjourn lost by the following vote:

YEAS—Messrs. Allen of Storey, Andrews, Davies, Eldred, Fulton, Ferguson, Gibson, Hagar, Harlow, Kennedy, Lamb, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Plummer, Sharp, Smith, of Eureka, Smyth, of Lander, Taylor—20.

NAYS—Messrs. Allen, of Lincoln, Beard, Crawford, Foulks, Frazer, Green, Hanna, Howe, Irvine, Lawson, Lyons, of Storey, Morrison, Powell, Price, Prisk, Shakespeare, Smith, of Lyon, Smith, of Storey, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—24.

Absent—Messrs. Fisk, Flannery, Lane, Robinson, and Wermuth.

The question being on the motion to take a recess, motion for a recess carried; and at 1:15 the House took a recess for one hour.

## HOUSE IN SESSION.

At 2:15 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Allen (of Lincoln) moved to adjourn.

Motion carried.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## THIRTIETH DAY.

CARSON CITY, February 15, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Fisk, Flannery, Powell and Wermuth.

Mr. Lane asked leave of absence for Mr. Powell for one day.

Granted.

Prayer by the Rev. Mr. Davis.

Journal of the twenty-ninth day read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 63, entitled "An Act authorizing the employment of criminals at labor in certain cases," beg leave to report that they have had the same under consideration, have made no amendments thereto, and recommend its passage.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment beg leave to report that they have compared Assembly Bill No. 55 with the engrossed copy thereof, and find it correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 60, entitled "An Act to create a State Board of Examination," have had the same under consideration, and beg leave to report as follows:

Amend Section 3 of said bill by inserting after the word "paid" in the seventh line the words "that no single session of the State Board of Examination, held for the purpose of examining applicants for certificates shall continue for a longer period of time than six days."

Also, amend Section 1 by striking out the word "of" in the seventh line of said section, and inserting the words "selecting text books to be used in all the public schools of the State." Also, in the ninth line of said section, strike out the word "for," and substitute in place thereof the word "of." With the above amendments we recommend the bill do pass.

G. W. WILSON, Chairman.

*Mr. Speaker:*

Your Standing Committee on Public Lands, to whom was referred Assembly Bill No. 4, entitled an Act supplementary to an Act entitled "An Act to provide for the selection and sale of lands that have been or may hereafter be granted by the United States to the State of Nevada," approved March 5, 1873, beg leave to report that they have had the same under consideration, made some amendments thereto, and have directed their chairman to report the same back and recommend that said bill do pass as amended.

In section 1, eighth line, strike out all after the word "patent," and add thereto the following new sections: Section 2, section 3, section 4, section 5, section 6, and section 7, herewith reported, all of which is most respectfully submitted.

JOHN S. MAYHUGH, Chairman.

#### REPORTS OF SELECT COMMITTEES.

*Mr. Speaker :*

Your Special Committee on Ormsby County Delegation have had under consideration Assembly Bill No. 52, entitled "An Act to amend an Act to incorporate Carson City." We beg leave to report favorably on the same with the recommendation that it do pass.

Yours respectfully,

H. H. HOWE,  
T. N. W. DAVIES,  
E. F. GIBSON.

*To the Honorable the Senate and Assembly of the State of Nevada :*

Your Joint Committee of the Senate and Assembly, appointed to visit the institutions in California where the insane and the deaf and dumb of the State of Nevada are cared for, respectfully report that, in pursuance of instructions, the members of the committee visited in person the Stockton Insane Asylum and the Berkeley Deaf and Dumb Institution, and after a careful and close investigation of the two institutions have gained information and arrived at conclusions as follows:

Arriving at Stockton on the twentieth of January we were met by Drs. Langdon and Clark, the parties who are now the custodians of our insane, and we then visited the premises occupied by them, known as the Pacific Insane Asylum. The buildings are capacious, well ventilated, and constructed of stone and brick, and are surrounded with pleasant grounds ornamented with trees and shrubbery. The area of ground includes forty acres, having play-grounds for the males of one hundred and fifty feet square, and one hundred feet square for the females, with a pleasant arbor and shade in the center of each. The rooms of the asylum are large and airy, and everything about the premises seemed to be in a character of conduct which could be nothing but conducive to the health of the patients. In fact it seems as though Nevada's patients in this asylum are well fed, lodged, and considerately and humanely treated, with only such restraint as is requisite.

Your committee examined the register of the cases of patients and ascertained by asking the questions submitted in exhibit "A" in reference to the causes that led to insanity that there were four, viz: dementia, mania, monomania, and emotional insanity, and that there are eighty-eight males and twenty-nine females in the asylum from this State, as will be shown by exhibit "A."

Subsequently your committee, under escort of Drs. Langdon and Clark, visited the California State Insane Asylum, Dr. Shurtleff, Manager, one of the ablest physicians on diseases of the mind, who extended us every facility for gaining information respecting the management of the institution which he supervised, in order that we might make the

necessary comparison between the Pacific Insane Asylum and that of the California State Asylum.

A list of the names of the sixty-nine of Nevada's patients in the Pacific Insane Asylum, with the causes of insanity, their place of nativity, etc., will be found annexed as exhibit "B," for which we are indebted to Mr. Gravitt of the Pacific Insane Asylum.

We find that during the last two years, eighteen of Nevada's patients were discharged, fourteen of which were of recent admission, and four admitted previous to the last two years.

This shows a percentage of a little over twenty-four per cent. on admissions.

There were fourteen deaths since the report of the Joint Committee of last Legislature, and ten of those admitted previous to the last two years.

We find the occupants in the Asylum, on last report, to the number of eighty; that there has since been admitted sixty-nine, making a total of one hundred and forty-nine; that there has been discharged eighteen; fourteen have died; and that there are now in the Asylum one hundred and seventeen patients. The number discharged, name and place of residence will be found in Exhibit "D."

So far as the Deaf and Dumb Institute at Berkeley is concerned, your committee, after visiting it, found it a good and substantial building well fitted for its purposes, comfortable in all respects; and that there were but four of Nevada's pupils in it, as will be seen by Exhibit "C" hereunto annexed. One of these pupils has parents, who have removed to San Francisco, and the charge for his support is not a reasonable one against this State. Dr. Wilkinson, the principal of the institution, treated your committee courteously, and afforded it every opportunity for information.

In conclusion, your committee desire to state that owing to the fact that the insane of this State are so well taken care of in the institutions we visited in the State of California, that it has some delicacy as to recommending whether an Asylum should be built in Nevada or not; and with all due respect have determined to submit that question to the Honorable Body of which we have the honor to be members, for its careful, just and impartial consideration.

All of which is respectfully submitted.

R. P. DAYTON,  
W. J. WESTERFIELD,  
J. LANDON SMITH,  
THOS. LANE,  
CHAS. GREEN.

On motion of Mr. Mayhugh, the report was referred to the Committee on State Institutions, and the Joint Committee on the part of the Assembly were discharged.

Mr. Lane moved that four hundred and fifty copies be ordered printed.

Roll called, and motion lost by the following vote:

YEAS—Messrs. Green, Hanna, Harlow, Lamb, Lane, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Plummer, Price, Shakespeare, Smyth, of Lander, Taylor, Watt—16.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Foulks, Fraser, Fulton, Ferguson, Gibson, Howe, Irvine, Kennedy, Lawson, Morrison, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Underwood, Vansickle, Williams, Wilson, and Mr. Speaker—28.

Absent—Messrs. Fisk, Flannery, Hagar, Powell, and Wermuth.

Mr. Smith (of Storey) moved that the usual number of copies of the report of the Joint Committee be printed in bill form.

Motion carried.

Report of Commissioners for the Care of the Indigent Insane of the State of Nevada for the years 1877 and 1878 was read, and on motion of Mr. Mayhugh the report was referred to the Joint Committee on Printing.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, February 3, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to return for the consideration of your Honorable Body, Senate Bill No. 55—An Act to provide for the safe keeping of the moneys of the State of Nevada, the history of the action of the Senate having been corrected.

I also return to your Honorable Body, Assembly Joint Memorial No. 11, relative to submitting constitutional amendments to the voters of this State, which passed the Senate this day: Yeas, 24; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

SENATE CHAMBER,  
CARSON CITY, February 4, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Concurrent Resolution No. 24, relative to the Reagan Bill in Congress, the same having passed the Senate this day: Yeas, 25; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

#### NOTICES OF BILLS.

Mr. Underwood gave notice that he would, on some day, introduce a bill supplementary and amendatory to the criminal laws of this State.

Mr. Wilson gave notice that he would, on some future day, introduce a bill for an Act to authorize the Board of Insane Commissioners to contract with Drs. Langdon and Clark for the care of Nevada's Indigent Insane, for two years after expiration of present contract.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Lyon (of Storey), by leave, introduced Assembly Bill No. 77—An Act to amend an Act 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."

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

Mr. Foulks, by leave, introduced Assembly Bill No. 78—An Act amendatory of and supplementary to an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada," approved March 7, 1873.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on State Prison and ordered printed.

Mr. Shakspeare by leave, introduced Assembly Bill No. 79—An Act to authorize the formation of Corporations to provide the members thereof with Homesteads or parcels of land suitable for Homesteads.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Committee on Public Lands.

Mr. Gibson, by leave, introduced Assembly Bill No. 80—An Act to amend an Act, entitled "An Act concerning District Attorneys," approved March 11, 1865; approved February 26, 1866; approved March 11, 1867; approved February 17, 1873; approved March 5, 1877.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Judiciary Committee.

By Mr. Taylor:

Assembly Bill No. 81—An Act to amend an Act, 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," approved March 8, 1869; approved March 5, 1877.

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

Senate Bill No. 29—An Act to amend an Act, entitled "An Act to provide for obtaining correct statements of the financial condition of the several Counties of this State, and other matters of statistical information," approved February 26, 1873.

Bill read first time.

Senate Bill No. 51—An Act concerning the duties of District Judges in this State.

Bill read first time.

Senate Bill No. 43—An Act to prevent the adulteration of Milk, and prevent the traffic in impure and unwholesome Milk.

Bill read first time.

Senate Concurrent Resolution No. 24—Relative to the Reagan Bill in Congress.

Resolution read first time, and on motion of Mr. Mayhugh the rules were suspended, read second time by title, rules further suspended, resolution read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer,

Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, Speaker—43.

NAYS—None.

Absent—Messrs. Allen, of Storey, Fisk, Flannery, Hagar, Powell and Wermuth.

#### GENERAL FILE.

Assembly Bill No. 56—An Act to pay the deficiencies in the appropriations for the thirteenth and fourteenth fiscal years.

Bill read third time and passed by the following vote:

YEAS—Messrs Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—44.

NAYS—None.

Absent—Messrs. Fisk, Flannery, Hagar, Powell and Wermuth.

On motion of Mr. Mayhugh, Assembly Bill No. 38—An Act to amend an Act 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, was re-committed to the Judiciary Committee.

Mr. Robinson, at 12:26 P. M., moved that the House take a recess for one hour.

Carried.

House in session at 1:26 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Plummer asked leave of absence for Mr. Hagar for this afternoon. Granted.

Mr. Irvine asked leave of absence for Mr. Vansickle for this afternoon. Granted.

Mr. Smith (of Eureka) moved a call of the House.

Motion carried.

Roll called.

Absent—Messrs. Crawford, Davies, Fisk, Flannery, Hagar, Howe, Mayhugh, Powell, Price, Vansickle and Wermuth.

On motion of Mr. Smith, of Storey, further proceedings under the call were dispensed with.

#### GENERAL FILE.

Assembly Bill No. 54—An Act making an appropriation for a deficiency in the office of Secretary of State for the thirteenth and fourteenth fiscal years.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Williams, Wilson and Mr. Speaker—39.

NAYS—None.

Absent—Messrs. Davies, Fisk, Flannery, Hagar, Howe, Mayhugh, Powell, Price, Vansickle and Wermuth.

Assembly Bill No. 47—An Act for the release of Benj. A. Wallace.  
Bill read third time and lost by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Foulks, Fraser, Fulton, Ferguson, Hanna, Harlow, Lane, Lyons, of Storey, Melarkey, Morrison, Paton, Prisk, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, and Mr. Speaker—19.

NAYS—Messrs. Allen, of Lincoln, Beard, Crawford, Eldred, Gibson, Green, Irvine, Kennedy, Lamb, Lawson, Lyon, of White Pine, Plummer, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smyth, of Lander, Watt, Williams, Wilson—20.

Absent—Messrs. Davies, Fisk, Flannery, Hagar, Howe, Mayhugh, Powell, Price, Vansickle, and Wermuth.

Assembly Bill No. 42—An Act to reimburse James Holland for money expended in the prosecution of Jerry Sloan, Isaac McManus, Charles Newman and Wm. Dean, for the murder of Benjamin Holland and W. H. Carter.

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

YEAS—Messrs. Allen, of Storey, Andrews, Beard, Eldred, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smith of Lander, Taylor, Underwood, Watt, Williams, Wilson, and Mr. Speaker—36.

NAYS—Messrs. Allen, of Lincoln, Crawford, Davies, Kennedy, Smith, of Lyon—5.

Absent—Messrs. Fisk, Flannery, Hagar, Howe, Powell, Price, Vansickle and Wermuth.

Assembly Bill No. 55—An Act for the greater security of life, by providing for the use of safety cages and iron bonnets in vertical shafts of more than four hundred feet in depth.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon,

Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—Mr. Lyon, of White Pine—1.

Absent—Messrs. Fisk, Flannery, Hagar, Powell, Price, Vansickle, and Wermuth.

On motion of Mr. Lane, the title of the bill (No. 55 Assembly) was amended by substituting four hundred and fifty feet in lieu of four hundred feet.

Senate Bill No. 5—An Act to provide for the safe keeping of the moneys of the State of Nevada.

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

YEAS—Messrs. Allen, of Lincoln, Crawford, Davies, Eldred, Foulks, Fraser, Ferguson, Gibson, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Williams, Wilson, and Mr. Speaker—33.

NAYS—Messrs. Allen, of Storey, Andrews, Beard, Fulton, Green, Hanna, Lyons, of Storey, Watt—8.

Absent—Messrs. Fisk, Flannery, Hagar, Powell, Price, Smyth, of Lander, Vansickle, and Wermuth.

Assembly Bill No. 40—An Act to amend section 128 of an Act 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; approved March 8, 1869.

Ordered engrossed.

Assembly Bill No. 46—An Act to prohibit the transportation, manufacture and storage in certain instances of giant powder and other explosives.

Amendment reported by Committee, adopted and bill ordered engrossed.

Assembly Bill No. 12—An Act to provide for the districting of the several counties of this State into Commissioners' Districts to define their boundaries and regulate the election of Commissioners thereof.

Ordered engrossed.

Assembly Bill No. 45—An Act to prevent persons passing through inclosures, and leaving them open by tearing down fences or otherwise, and domestic animals from being shot by persons while hunting on inclosed premises, and providing for payment for such damages so done.

Ordered engrossed.

Senate Bill No. 25—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 9, 1865, and of Act amendatory thereof, approved March 5, 1877.

Read third time, and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Davies, Eldred, Fraser, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Price, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, and Mr. Speaker—25.

NAYS—Messrs. Allen, of Storey, Andrews, Beard, Crawford, Foulks, Fulton, Ferguson, Lane, Lawson, Paton, Prisk, Robinson, Smyth, of Lander, Watt, Williams, Wilson—16.

Absent—Messrs. Fisk, Flannery, Hagar, Powell, Shakespeare, Underwood, Vansickle, Wermuth.

Assembly Bill No. 62—An Act to amend an Act entitled an Act to amend Sections 1, 3, 4, 5 and 22 of an Act entitled an Act to provide for the Government of the State Prison of the State of Nevada, approved March 7, 1873, approved February 8, 1877.

On motion of Mr. Morrison, the bill was indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Williams, Wilson and Mr. Speaker—41.

NAY—Mr. Andrews—1.

Absent—Messrs. Eldred, Fisk, Flannery, Hagar, Shakespeare, Vansickle and Wermuth.

Assembly Bill No. 43—An Act to amend Section 1 of an Act entitled an Act for the government and maintenance of the State Orphans' Home, approved March 1, 1873.

On motion of Mr. Morrison, the bill was indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Irvine, Kennedy, Lamb, Lyon, of White Pine, Morrison, Paton, Plummer, Price, Shakespeare, Sharp, Smith, of Eureka, Underwood, Watt, Williams, and Wilson—27.

NAYS—Messrs. Harlow, Howe, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Prisk, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor and Mr. Speaker.

Absent—Messrs. Eldred, Fisk, Flannery, Foulks, Hagar, Robinson, Vansickle, Wermuth and Powell.

Mr. Patton, at 2.34 P.M., moved to adjourn.

Motion lost.

Mr. Lane moved a call of the House.

Motion carried.

Roll called.

Absent without leave—Messrs. Foulks and Wermuth.

Absent with leave—Messrs. Fisk, Flannery, Hagar, Powell and Vansickle.

Mr. Foulks appeared at the Bar of the House, and on motion of Mr. Allen (of Storey), was excused.

Mr. Smith (of Storey) moved that further proceedings under the call of the House be dispensed with.

Motion carried.

Assembly Bill No. 51—An Act to make it unlawful for the owner or owners of swine to allow them to run at large during a certain period of each year from and after the approval of this Act.

Amendments reported by committee adopted, and bill ordered engrossed.

Mr. Robinson gave notice that on to-morrow he would move for the reconsideration of the vote by which Senate Bill No. 25 was lost.

Assembly Bill No. 24—An Act to amend an Act entitled "An Act for the government and maintenance of the State Orphan's Home," approved March 1, 1873.

Amendment reported by committee adopted, and bill ordered engrossed.

Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to provide for the maintenance and supervision of Public Schools," approved March 20, 1865; approved March 8, 1867; approved March 5, 1869; approved March 7, 1873; approved March 5, 1877.

Ordered engrossed.

Mr. Allen (of Storey) at 2:55 P. M. moved to adjourn.

Motion lost.

Assembly Bill No. 70—An Act to abolish the office of County Superintendent of Public Schools, was, on motion of Mr. Mayhugh, recommitted to the Committee on Education.

Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians.

Ordered engrossed.

Assembly Bill No. 61—An Act to amend an Act entitled "An Act to provide for the maintenance and supervision of the Public Schools," approved March 20, 1865; and amended by Acts approved March 8, 1867, March 5, 1869, March 7, 1873, March 5, 1877.

On motion of Mr. Davis, re-referred to Committee on Education.

Assembly Bill No. 60—An Act to create a State Board of Examination.

Laid on the table.

Assembly Bill No. 52—An Act to amend an Act entitled "An Act to incorporate Carson City," approved February 25, 1875.

Ordered engrossed.

Assembly Bill No. 4—An Act supplementary to an Act entitled "An Act to provide for the selection of lands that have been or may hereafter be granted by the United States to the State of Nevada," approved March 5, 1873.

Amendments reported by committee adopted, and bill ordered engrossed.

Assembly Bill No. 63—An Act authorizing the employment of criminals at labor in certain cases.

On motion of (Mr. Allen of Lincoln), the bill was considered engrossed.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Price, Prisk,

Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Williams, Wilson, and Mr. Speaker—40.

NAYS—Messrs. Allen, of Storey, and Andrews—2.

Absent—Messrs. Fisk, Flannery, Hagar, Plummer, Powell, Vansickle, and Vermuth.

On motion of Mr. Wilson, at 3:12 P. M. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

### THIRTY-FIRST DAY.

CARSON CITY, Tuesday, February 5, 1879.

The House met, pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Mr. Fisk.

Prayer by the Rev. Mr. Davis.

Journal of the thirtieth day read, corrected and approved.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Corporations and Railroads, have had under consideration Assembly Bill No. 36—Entitled "An Act to regulate Fares and Freights upon railroads whose lines are wholly, or in part, within the State of Nevada," and the undersigned majority of said committee beg leave to recommend certain amendments to the bill, which are herewith submitted. With these amendments, your committee report favorably upon said bill, and recommend that it do pass.

B. L. PLUMMER,  
A. MORRISON,  
GEORGE WATT.

*Mr. Speaker:*

A minority of your Committee on Corporations and Railroads, to whom was referred Assembly Bill No. 36—"An Act to regulate Fares and

Freights upon railroads whose lines are wholly or in part within the State of Nevada," would respectfully report that, in the opinion of the signer hereof, said bill was not carefully considered by your Committee, and I would therefore recommend that it be referred to the Select Committee of Fourteen selected from the Senate and Assembly, as per Concurrent Resolution passed by each House.

J. P. SMITH, Chairman.

*Mr. Speaker :*

Your Committee on Corporations and Railroads have had under consideration Assembly Bill No. 49, entitled "An Act to regulate Fares and Freights upon railroads whose lines are wholly or in part within this State, and to prevent extortion and discrimination on the same," and beg leave to report unfavorably upon the bill, and recommend that it be indefinitely postponed.

A. MORRISON,  
B. L. PLUMMER,  
GEORGE WATT.

*Mr. Speaker :*

A minority of your Committee on Corporations and Railroads, to whom was referred Assembly Bill No. 49—"An Act to regulate Fares and Freights upon railroads whose lines are wholly or in part within this State, and to prevent extortion and discrimination on the same," beg leave to report that said bill was not considered by your Committee at all, never having been taken from the envelope in which it was put by the clerk, to be examined by your Committee. For this reason, a minority of your Committee would recommend that said bill be referred to the Select Committee of Fourteen, composed of members of the Senate and Assembly, selected for the purpose of drafting a bill on fares and freights.

J. P. SMITH, Chairman.

*Mr. Speaker :*

Your Committee on Corporations and Railroads have had under consideration Senate Bill No. 3, entitled, "An Act to encourage the construction of a railroad from some point or place on the line of the Central Pacific Railroad, in the County of Elko, to the town of Tuscarora, in said County," and beg leave to report favorably upon the bill, and recommend that it do pass.

J. P. SMITH, Chairman.

*Mr. Speaker :*

Your Committee on Engrossment, to whom was referred Assembly Bill No. 9, hereby report that they have compared the same with the engrossed copy thereof and find it correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker :*

Your Committee on Elections have had under consideration Assembly Bill No. 41, entitled "An Act to prevent fraud at primary elections, and to provide that they may be honestly conducted;" we beg leave to report unfavorably on the same, with the recommendation that it do not pass.

OWEN FRASER, Chairman.

## REPORTS OF SELECT COMMITTEES.

*Mr. Speaker:*

Your Committee to whom Senate Bill No. 59 was referred, beg leave to report the same back and recommend that it do pass.

## EUREKA DELEGATION.

## MOTIONS AND RESOLUTIONS.

By Mr. Allen (of Lincoln):

*Resolved*, That the State Controller is hereby authorized to draw his warrant in favor of Messrs. Smith (of Eureka), Lane, and Green, each in the sum of one hundred and twenty-five dollars, for expenses incurred while acting on a special committee to investigate the condition of our insane at Stockton, California, and our deaf and dumb at Berkeley, California; also to procure data pertaining to the insane asylums of California, the same to be paid out of the Legislative Fund.

Adopted.

Mr. Smith (of Lyon) moved that Assembly Bill No. 46—An Act to prohibit the transportation, manufacture and storage, in certain instances, of giant powder and other dangerous explosives, be referred to the Judiciary Committee.

Carried.

By Mr. Harlow:

Assembly Concurrent Resolution No. 12, relative to printing the report of the Commissioners for the Indigent Insane of the State of Nevada for the years 1877 and 1878.

Adopted.

Mr. Allen (of Storey) moved that Assembly Bill No. 24—An Act to amend an Act entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873, be ordered printed.

Adopted.

By Mr. Eldred:

*Resolved*, That a committee of two be appointed by Mr. Speaker to wait on the Secretary of State and ascertain what has caused the delay in bringing before this Legislature the fourth biennial message of Governor L. R. Bradley.

Adopted.

On motion of Mr. Mayhugh, Assembly Bill No. 4—An Act supplementary to an Act entitled "An Act to provide for the selection of lands that have been or may hereafter be granted by the United States to the State of Nevada," approved March 5, 1873, was ordered printed.

Mr. Speaker appointed Messrs. Eldred and Mayhugh a committee to wait on the Secretary of State as per resolution of Mr. Eldred.

Pursuant to previous notice Mr. Robinson moved to reconsider the vote by which Senate Bill No. 25 failed to pass the House on the third instant.

Roll called and motion carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—47.

NAYS—None.

Absent—Messrs. Fisk and Hagar.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., Feb. 4, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 64, entitled "An Act to authorize the County Commissioners of Storey County to transfer certain funds," which passed the Senate this day. Yeas, 24; nays, none.

Also, Senate Bill No. 39—An Act to provide for the erection and maintenance of partition fence, which passed the Senate this day. Yeas, 14; nays, 11.

Also, Senate Bill No. 68—An Act to prevent the keeping of disorderly houses or inns, which passed the Senate this day. Yeas, 22 nays, none.

Also, Senate Memorial and Joint Resolution No. 21, relative to the public lands in the State of Nevada, which passed the Senate this day. Yeas 21; nays, none.

THEO. S. DAVENPORT,  
Assistant Secretary of the Senate.

Bill of Mayo A. Greenlaw, for copying report of the Commissioners of the Indigent Insane of the State of Nevada. \$40.48.

Bill read and referred to the Committee on Claims.

#### NOTICE OF BILLS.

Mr. Eldred gave notice that he would on to-morrow, or some future day, introduce a bill concerning District Attorneys and their salaries.

#### SECOND READING OF BILLS.

Senate Bill No. 51—An Act concerning the duties of District Judges in this State.

Bill read second time.

Senate Bill No. 43—An Act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk.

Bill read second time, and referred to the Judiciary Committee.

Mr. Allen (of Lincoln) asked leave of absence for one hour.

Granted.

Senate Bill No. 29—An Act to amend an Act entitled, "An Act to provide for obtaining correct statement of the financial condition of the several counties of this State, and other matters of statistical information," approved February 26, 1873.

Bill read second time, and referred to the Judiciary Committee.

On motion of Mr. Mayhugh, Senate Bill No. 51 was also referred to the Judiciary Committee.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Melarkey, by leave, introduced Assembly Bill No. 82—An Act for the relief of J. F. Abel.

Bill read first time, rules suspended, read second time by title, and referred to the Humboldt Delegation.

Senate Bill No. 39—An Act to provide for the erection and maintenance of partition fences.

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

Senate Memorial and Joint Resolution No. 21, relative to the Public Lands, in the State of Nevada.

Bill read first time, on motion of Mr. Mayhugh the rules were suspended and Joint Memorial and Resolution read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Allen, of Lincoln, Fisk, Foulks and Hagar.

Mr. Shakespeare, at 12:15 p. m., moved that the House take a recess for one hour.

Motion carried.

#### HOUSE IN SESSION.

At 1:16 p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Crawford, by leave, introduced Assembly Bill No. 83—An Act granting the right of way for a Railroad from Mount Rose Mining District, Nevada, to Martin Creek, Nevada.

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

Mr. Harlow, by leave, introduced Assembly Bill No. 84—An Act to amend an Act entitled "An Act concerning Vagrancy and Vagrants.

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

Mr. Fraser, by leave, introduced Assembly Bill No. 85—An Act to aid the Nevada Building Association, in providing means for the construction of an Insane Asylum in this State.

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

Senate Bill No. 64—An Act to authorize the County Committee of Storey County to transfer certain funds.

Bill read first time, rules suspended, read second time by title, and referred to the Storey County Delegation.

Senate Bill No. 68—An Act to prevent the keeping of disorderly houses or inns.

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

#### GENERAL FILE.

Assembly Bill No. 9—An Act amendatory of and supplemental to an Act to provide for the preservation of fish in the waters of the State, approved March 5, 1877.

Bill read third time.

Mr. Allen (of Storey), moved to lay the bill on the table.

Motion lost.

On motion of Mr. Mayhugh, Assembly Bill No. 9 was referred to Committee on Education, with instructions.

Mr. Howe asked leave of absence for the remainder of the day.

Granted.

Assembly Concurrent Resolution No. 13, relative to the appointment of a physician to visit the insane of Nevada, at Stockton, California, was, on motion of Mr. Smith (of Storey), referred to the Committee on State Institutions, with instructions to report a bill.

Senate Bill No. 59—An Act to enable the Commissioners of Eureka County to liquidate certain indebtedness against the road fund of Eureka Road District No. 1.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—47.

NAYS—None.

Absent—Messrs. Fisk and Hagar.

Senate Bill No. 3—An Act to encourage the construction of a railroad from some point or place on the line of the Central Pacific Railroad in the County of Elko, to the town of Tuscarora, in said county.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

NAYS—Mr. Melarkey—1.

Absent—Messrs. Fisk and Hagar.

Assembly Bill No. 41—An Act to prevent fraud at primary elections, and to provide that they may be honestly conducted.

Ordered engrossed.

On motion of Mr. Mayhugh, the Chief Clerk was instructed to insert the enacting clause to Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians, which was returned by the Engrossing Clerk of the Assembly for that purpose.

Senate Bill No. 25—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 9, 1865, and of Acts amendatory thereof, approved March 5, 1877, was again placed upon its final passage.

Mr. Wermuth moved to lay the bill on the table for one day.

Motion lost.

Roll called, and the Assembly refused to pass the bill by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Davies, Eldred, Fraser, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, and Mr. Speaker—25.

NAYS—Messrs. Allen, of Storey, Andrews, Crawford, Flannery, Foulks, Fulton, Ferguson, Lane, Lawson, Lyons of Storey, Paton, Price, Prisk, Robinson, Shakespeare, Smyth, of Lander, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson—22.

Absent—Messrs. Fisk, and Hager.

Assembly Bill No. 49—An Act to regulate Fares and Freights upon Railroads whose line are wholly, or in part, within this State, and to prevent extortion and discrimination on the same.

Mr. Mayhugh moved that the resolution of Mr. Davies, relative to the reference of all bills on railroad matters to the Select Committee of Fourteen, be taken from the table.

Mr. Allen (of Lincoln), Robinson, and Powell, called for the yeas and nays.

Roll called, and motion carried, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Fraser, Fulton, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—41.

NAYS—Foulks, Ferguson, Melarkey, Williams, and Mr. Speaker—5.  
Absent—Messrs. Fisk, Hagar, and Lyon, of White Pine.

The question being on the adoption of the resolution of Mr. Davies, Messrs. Underwood, Lane, and Robinson, called for the yeas and nays.  
Roll called, and resolution adopted, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Crawford, Davies, Eldred, Flannery, Fulton, Gibson, Green, Howe, Irvine, Kennedy, Lamb, Lane, Mayhugh, Paton, Powell, Price, Prisk, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Wilson—26.

NAYS—Allen, of Storey, Beard, Foulks, Fraser, Ferguson, Hanna, Harlow, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Plummer, Robinson, Sharp, Smyth, of Lander, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—26.

Absent—Messrs. Fisk, and Hagar.

On motion of Mr. Underwood, at 3:38 p. m. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

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### THIRTY-SECOND DAY.

CARSON CITY, NEVADA, February 6, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Members all present.

Prayer by the Rev. Mr. Davis.

Journal of the thirty-first day read and approved.

Mr. Morrison rose to a question of privilege, and presented the following:

*Mr. Speaker :*

The Chairman of the Committee on Corporations and Railroads in his minority report yesterday morning was pleased to say that the majority of the Committee recommended the indefinite postponement of Assembly Bill No. 49, known as the Fisk Bill, without considering it, or taking it from the envelope in which it was inclosed. The truth of the matter is this: When the Bill No. 49 was taken up by the Committee, a majority of the Committee said they had examined the bill; or printed copies of it; that they knew the provisions of the bill, and were opposed to it, and would recommend its indefinite postponement. The Chairman said he would agree to that, and a report to that effect was drawn up by the clerk of the Committee and signed by the Chairman. Sometime after the Committee adjourned the Chairman changed his mind, and concluded to make a minority report, which he had a perfect right to do, but the undersigned of your Committee hold that he had no right to proclaim to this House that the recommendation to postpone was had without consideration, when such is not the case.

A. MORRISON,  
B. L. PLUMMER,  
GEORGE WATT.

Mr. Smith (of Storey), rose to a question of privilege, and stated that the report made by the minority of the Committee on Corporations and Railroads on Assembly Bill No. 49, known as the Fisk Bill, is true in every particular.

#### PETITIONS.

Mr. Fisk presented a petition from citizens of Eureka, relative to amending Section 3189, of the Compiled Laws, so as to prevent unjust competition of Utah merchants with the merchants of Nevada.

Referred to the Committee on Trades and Manufactures.

Mr. Plummer rose to a question of privilege, and reiterated the statement made by majority of Committee on Corporations and Railroads, as presented by Mr. Morrison.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Engrossments beg leave to report that they have compared Assembly Bill No. 51 with the engrossed copy thereof, and find it correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker :*

Your Committee on Enrollment have carefully compared Assembly Joint Resolution No. 11, in relation to "submitting Constitutional Amendments to voters of this State," and have found the same properly enrolled and have this sixth day of February, 1879, handed the same to

Secretary of State. Have also compared Assembly Bill No. 42—"An Act to reimburse James Holland for money expended," and have found the same properly enrolled, and have this sixth day of February, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

#### MOTIONS AND RESOLUTIONS.

By Mr. Plummer:

*Resolved*, That the resolution, passed yesterday by Assembly, referring all bills regarding freights and fares to the Joint Committee of fourteen is hereby rescinded.

Mr. Smith (of Lyon), moved to lay the resolution on the table.

Mr. Underwood, Davies and Smith (of Lyon), called for the yeas and nays.

Roll called and resolution laid on the table, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Fraser, Fulton, Gibson, Green, Howe, Irvine, Kennedy, Lamb, Lane, Mayhugh, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Wermuth and Wilson—33.

NAYS—Messrs. Fisk, Foulks, Ferguson, Hager, Hanna, Harlow, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Plummer, Smyth, of Lander, Watt, Williams, Mr. Speaker—16.

By Mr. Foulks:

WHEREAS, By a vote of this Assembly, "All bills in relation to freights and fares on railroads, now pending in the Assembly" are "referred to the Special Committee of the Senate and Assembly, provided by the Senate Concurrent Resolution of the twenty-seventh of January," inst., and,

WHEREAS, No further necessity exists for a Standing Committee on "Corporations and Railroads" in this House, therefore,

*Resolved*, That the Standing Committee of this Assembly on "Corporations and Railroads," be and the same is hereby suspended, until said Special Committee shall be abolished or discharged.

Laid over under the rules.

By Mr. Robinson:

*Resolved*, That the Board of State Capitol Commissioners cause to have unlocked, and to keep unlocked, the closet doors in basement of the Capitol building.

Adopted.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEVADA, February 5, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 73, entitled "An Act to amend an Act entitled 'An Act concerning the Courts of Justice of this State, and judicial officers,'" approved Jan. 26, 1865, which passed the Senate this day: Yeas, 17; nays, 5. Also, Assembly Bill No. 39—An Act to prevent discrimination in fares and freights by railroad companies whose railroads run through the State of Nevada; or by railroad companies, the terminus or termini of whose railroads are within the boundaries of the State of Nevada, which was amended by the Senate, and passed as amended: Yeas, 25; nays, none.

Also, Senate Bill No. 9, entitled, "An Act to amend an Act entitled 'An Act concerning jurors,'" approved March 5, 1873, which passed the Senate this day: Yeas, 14; nays, 9. Also, Senate Bill No. 74—An Act to amend section 21 of an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada," approved March 7, 1873, which passed the Senate this day: Yeas, 22; nays, none.

I also return to your Honorable Body, Assembly Bill No. 5—An Act to amend an Act supplementary to an Act entitled "An Act to regulate the settlement of the estates of deceased persons," approved Nov. 29, 1861, which was amended, and passed the Senate this day: Yeas 19; nays, none. Also, Assembly Bill No. 50—An Act to amend Section 341, Title 9, of Appeals in Civil Actions, and Chapter 1 of Appeals in General, which was this day amended and passed: Yeas, 23; nays, none.

I also return to your Honorable Body, Assembly Bill No. 42, entitled "An Act to reimburse James Holland for money expended in the prosecution of Jerry Sloan, Isaac McManus, Charles Newman and William Dean, for the murder of Benjamin Holland and W. H. Carter, which passed the Senate this day: Yeas, 14; nays, 8.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

## NOTICES OF BILLS.

Mr. Taylor gave notice that he would, on some future day, introduce a bill for an Act to preserve for miners in the actual development of mines, certain amount of timber on lands contiguous to said mines.

Mr. Allen (of Storey), gave notice that he would, on some future day, introduce a bill for the erection and maintenance of a boys' reform school in Virginia City, and making an appropriation therefor.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Underwood, by leave, introduced Assembly Bill No. 86—An Act to appoint a physician to supervise and protect the interest of the State of Nevada, in care of her Insane.

Bill read first time, rules were suspended, read second time by title, referred to the Committee of the Whole.

Mr. Allen (of Storey), by leave, introduced Assembly Bill No. 87—An Act to authorize the Mayor and Board of Aldermen of the city of Virginia to pay the claim of William Cook.

Bill read first time, rules were suspended, read second time by title, and referred to the Virginia City portion of the Storey County delegation.

Mr. Prisk, by leave, introduced Assembly Bill No. 88—An Act to authorize the Mayor and Board of Aldermen of the city of Virginia to pay the claim of John Brickville.

Bill read first time, rules were suspended, read second time by title, and referred to the Virginia City portion of the Storey County delegation.

#### REPORT OF THE JUDICIARY COMMITTEE.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 80, entitled an Act to amend an Act concerning District Attorneys; approved March 11, 1865; approved February 26, 1867; approved February 17, 1873; approved March 5, 1877; beg leave to report the same back to the Assembly, and recommend that it be referred to the Committee of the Whole.

Also, Assembly Bill No. 81, entitled an Act to amend 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; approved March 8, 1869; approved March 5, 1877; beg leave to report the same back to the Assembly, and recommend it do not pass.

Also, Assembly Bill No. 75, entitled "An Act to prevent breach of the peace, and to make words actionable in certain cases;" beg leave to report the same back to the House, without recommendation.

Also, Assembly Bill No. 77—An Act 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;" have had the bill under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass.

Also, Assembly Bill No. 64—An Act to regulate the measurement of charcoal, beg leave to report the same back, with the recommendation that it do pass.

U. E. ALLEN, Chairman.

Senate Bill No. 73—An Act to amend an Act entitled "An Act concerning the courts of justice in this State and judicial officers;" approved January 26, 1865.

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

Senate Bill No. 74—An Act to amend section 21 of an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada;" approved March 7, 1873.

Read first time.

Senate Bill No. 9—An Act to amend an Act entitled "An Act concerning juries;" approved March 5, 1873.

Bill read first time, rules were suspended, read second time by title, and referred to Judiciary Committee.

## SPECIAL ORDER.

Assembly Bill No. 1—An Act to provide for the taking care of the insane of the State of Nevada.

Mr. Mayhugh moved that Assembly Bill No. 1 be recommended to the Committee on State Institutions, with instructions to amend and report the bill back to the House on the morning of the 7th inst.

Mr. Foulks moved, as an amendment, that the bill be referred to a special committee of one, with instructions to insert the amendment proposed by Mr. Mayhugh, and that the bill be placed on its third reading and final passage.

Amendment lost, and the motion of Mr. Mayhugh was adopted.

Mr. Smith (of Storey) moved that the Committee on State Institutions be instructed to strike out in Section 1 the names of J. E. Jones and C. C. Stevenson, and also the words "Secretary of State," and in lieu of the words "Secretary of State," insert "State Controller."

Adopted.

Mr. Lyon (of Storey) moved that the bill as amended be ordered printed, and that copies be placed on the desks of members by 11 o'clock a. m. of the 7th inst.

Carried.

Mr. Foulks moved that the consideration of this bill be made the special order for the 7th inst., at 12 m.

Adopted.

On motion of Mr. Smith (of Lyon) at 12:20 p. m. the House took a recess for one hour.

## HOUSE IN SESSION.

At 1:20 p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## GENERAL FILE.

Assembly Bill No. 39—An Act to prevent discrimination in fares and freights by railroad companies whose railroad runs through the State of Nevada, or by railroad companies the termini of whose railroads are within the boundaries of the State of Nevada.

Mr. Underwood moved that the Assembly concur in Senate amendments.

Mr. Speaker ruled the motion out of order.

Mr. Mayhugh appealed from the decision of the Speaker.

Messrs. Mayhugh, Harlow and Plummer called for the yeas and nays.

Roll called, and the House refused to sustain the decision of the Speaker by the following vote:

YEAS—Messrs. Fisk, Fraser, Green, Robinson, Smyth, of Lander, and Mr. Speaker—6.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fulton, Ferguson, Gibson,

Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkay, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson—42.

Absent—Mr. Hagar.

Mr. Foulks moved to strike out in the Senate amendment to Section 6, and before the words "allowed by law," the word "now."

Motion lost.

The House then concurred in Senate amendments by the following vote :

YEAS—Messrs. Allen, of Lincoln, Allen of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson and Mr. Speaker—49.

NAYS—None.

Assembly Bill No. 51—An Act to make it unlawful for the owner or owners of swine to allow them to run at large during a certain period of each year, from and after the approval of this act.

Amended and referred to the Committee on Engrossment to be properly engrossed.

Senate Amendments to Assembly Bill No. 5—An Act to amend an Act and supplementary to an Act entitled "An Act to regulate the estates of deceased persons," approved November 29, 1861, was, on motion of Mr. Mayhugh, concurred in by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, Mr. Speaker—44.

NAYS—Messrs. Foulks, Melarkey.

Absent—Messrs. Fisk, Robinson, and Smith, of Lyon.

Senate amendments to Assembly Bill No. 50—An Act to amend section 341, title 9, of Appeals in Civil Actions, and chapter one of Appeals in general, was, on motion of Mr. Lyons, of Storey, concurred in by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison,

Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson, Mr. Speaker—45.

Nays—Mr. Harlow—1.

Absent—Messrs. Davies, Foulks, and Williams.

Assembly Bill No. 75—An Act to prevent breach of the peace, and to make words actionable in certain cases.

Laid on the table.

Assembly Bill No. 81—An Act to amend an Act 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,” approved March 8, 1869; approved March 5, 1877, was, on motion of Mr. Allen, of Lincoln, indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Howe, Irvine, Kennedy, Lamb, Lane, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wermuth, Wilson, Mr. Speaker—41.

NAYS—Messrs. Harlow, Lawson, Plummer, Smith of Lyon, Taylor, Underwood—6.

Absent—Messrs. Davies and Williams.

Assembly Bill No. 77—An Act to amend an Act 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,” was, on motion of Mr. Lyon, of Storey, indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Patton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wilson, Speaker—44.

NAYS—None.

Absent—Messrs. Davies, Taylor, Underwood, Wermuth, and Williams.

Assembly Bill No. 64—An Act to regulate the measurement of charcoal. On motion of Mr. Smith, of Eureka, the bill was considered engrossed, and placed on its final passage.

Assembly Bill No. 64 read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey,

Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wilson, Mr. Speaker—42.

Nays—None.

Absent—Messrs. Davies, Foulks, Taylor, Underwood, Wermuth, Williams, and Allen, of Storey.

Assembly Bill No. 80—An Act to amend an Act entitled “An Act concerning District Attorney,” approved March 11, 1875.

Referred to the Committee of the Whole.

Assembly Bill No. 60—An Act to create a State Board of Examination.

Bill referred to the Committee on Education.

Mr. Speaker gave notice that he would move for a reconsideration of the vote by which the Assembly concurred in the Senate amendments to Assembly Bill No. 39.

On motion of Mr. Plummer, at 2:40 P. M. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

### THIRTY-THIRD DAY.

CARSON CITY, February 7, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Davis.

Mr. Gibson asked leave of absence for Mr. Howe during the morning session.

Granted.

Journal of the thirty-third day read.

Mr. Fisk presented the following:

*Mr. Speaker:*

It was asserted yesterday, that there was a man in the Nevada Asylum, at Stockton, from Reno, who was not insane. The facts are these,

for asserting which, I have the most unquestionable authority: Mr. Light, the man in question, was committed on the charge of dementia, and is in the same condition now as when committed. Both of his legs are amputated, which increases his inability to take care of himself. It was not known to Drs. Langdon and Clark, that he had a cent in the world, and they only learned from Mr. Crockett last week that he had any money. Furthermore, Mr. Light was previously confined in the California State Asylum at Stockton, for several years, and when discharged came to this State. Insanity is hereditary in his family, one or two of his brothers having been confined in the California Insane Asylum.

F. E. FISK.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Mines and Mining Interests, have had under consideration Assembly Bill No. 76, entitled "An Act to protect the rights of owners of stock shares, and other interests in the mineral and metal-yielding mines of this State," and beg leave to recommend certain amendments thereto, which are herewith submitted. With these amendments, your committee report favorably upon the bill, and recommend that it do pass.

J. E. ALLEN, Chairman.

*Mr. Speaker :*

Your Committee on Engrossment, beg leave to report that they have compared Assembly Bills Nos. 12, 23, 21, 24, and 45, with the engrossed copies thereof, and find them correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker :*

Your Committee on Education, to whom was referred Assembly Bill No. 9, entitled "An Act amendatory of and supplementary to an Act to provide for the preservation of fish in the waters of this State," approved March 5, 1877, beg leave to report favorably on said bill, and recommend its passage as amended.

Also, Assembly Bill No. 60, entitled "An Act to create a State Board of Examination," and beg leave to report that they have carefully considered the same, and have amended it in several particulars, which amendments accompany this report, and with said amendments they recommend the bill be re-printed, and that it do pass.

Also, Assembly Bill No. 61, entitled "An Act to amend an Act entitled 'An Act to provide for the maintenance and supervision of the public schools,'" approved March 20, 1865, and amended by Acts approved March 8, 1867, March 5, 1869, March 7, 1873, and March 5, 1877, and beg leave to report that they have carefully considered the said bill, and have amended it in several particulars, which amendments accompany this report; and that they recommend it be re-printed, and that it do pass with said amendments.

G. W. WILSON, Chairman.

On motion of Mr. Howe, Assembly Bills Nos. 60 and 61 were ordered printed, as amended by Committee, and amendments adopted.

## REPORT OF SELECT COMMITTEE.

*Mr. Speaker:*

Your Select Committee composed of the Virginia City portion of the Storey County delegation, to whom was referred Senate Bill No. 64, beg leave to report that they have had the same under consideration, and report the same back, with the recommendation that the bill do pass.

THOS. LANE, Chairman.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
CARSON CITY, NEVADA, February 6, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bill No. 42—"An Act to reimburse James Holland for money expended in the prosecution of Jerry Sloan, Isaac McManus, Charles Newman and William Dean, for the murder of Benjamin Holland and W. H. Carter."

JOHN H. KINKEAD,  
Governor.

## MOTIONS AND RESOLUTIONS.

Resolution presented by Mr. Foulks, and which was laid over, under the rules, was taken up, and on motion of Mr. Smith (of Lyon), laid on the table.

Mr. Beard moved that the resolution introduced by Mr. Plummer, on yesterday, relative to rescinding the resolution referring all railroad bills to Joint Committee of fourteen be taken from the table.

Mr. Mayhugh moved that the subject-matter be indefinitely postponed.

Motion carried.

## MESSAGE FROM THE SENATE.

STATE OF NEVADA, SENATE CHAMBER,  
CARSON CITY, February 6, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to return to your Honorable Body, Assembly Concurrent Resolution No 12, relative to printing report of the Commissioners for the care of the indigent insane of the State of Nevada, for the years 1877 and 1878, which was adopted by the Senate this day.

I also transmit for the consideration of your Honorable Body, Senate Bill No. 83—An Act to ascertain and express the will of the people of the State of Nevada upon the subject of Chinese immigration, which passed the Senate this day: Yeas, 24; nays, none.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

## SECOND READING OF BILLS.

Senate Bill No. 74—An Act to amend section 21 of an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada, approved March 7, 1873."

Bill read second time, and referred to the Committee on State Prison.

Mr. Williams, by leave, introduced Assembly Joint Resolution No. 14, relative to mail service between the town of Wadsworth in this State, via. St. Clair and Downieville, to Grantsville, Nye County.

Bill read first time, rules suspended, read second time by title, rules further suspended, amended by Special Committee, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Wermuth, Williams, Wilson, and Mr. Speaker—42.

NAYS—Messrs. Hagar, Smyth, of Lander, and Watt—3.

Absent—Messrs. Crawford, Davies, Howe, and Powell.

## SPECIAL ORDER.

Assembly Bill No. 1—An Act to provide for the taking care of the insane of the State of Nevada.

Mr. Foulks moved that the consideration of the special order be continued until two p. m., seventh instant, and a Committee of One be appointed to proceed to the State Printer's office and procure the bill.

Motion carried.

Mr. Speaker appointed Mr. Underwood as such committee.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Foulks, by leave, introduced Assembly Bill No. 89—An Act relating to the flow of water in the Truckee river.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 83—An Act to ascertain and express the will of the people of the State of Nevada upon the subject of Chinese immigration.

Bill read first time, rules suspended, read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shake-

speare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—47.

NAYS—Mr. Beard—1.

Absent—Mr. Wermuth.

Mr. Lane, at 12:20 P. M., moved to take a recess for one hour.

Motion carried.

## HOUSE IN SESSION.

At 1:24 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Plummer, by leave, introduced Assembly Joint Resolution No. 15, requesting the commanding officer of the Pacific Department to station a company of cavalry at Duck Valley.

Bill read first time, rules suspended, read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—44.

NAYS—None.

Absent—Messrs. Crawford, Davies, Price, Underwood, and Smith, of Lyon.

By Mr. Wermuth:

Assembly Bill No. 90—An Act to amend an Act, entitled "An Act to provide revenue for the support of the Government of the State of Nevada.

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

### GENERAL FILE.

Assembly Bill No. 24—An Act to amend an Act, entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hanna, Harlow, Howe, Irvine, Lane, Lawson, Lyons, of Storey, Lyon, of White

Pine, Mayhugh, Melarkey, Paton, Powell, Price, Prisk, Robinson, Sharp, Smyth, of Lander, Taylor, Underwood—30.

NAYS—Messrs. Beard, Crawford, Fisk, Green, Hagar, Kennedy, Lamb, Morrison, Plummer, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—19.

Assembly Bill No. 21—An Act supplementary to an Act, entitled “An Act to provide for the maintenance and supervision of Public Schools,” approved March 20, 1865; approved March 8, 1867; approved March 5, 1869; approved March 7, 1873; approved March 5, 1877.

Bill read third time and passed by the following vote:

YEAS.—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of Storey, Lyon, of White Pine, Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

NAYS—Mr. Melarkey—1.

Absent—Messrs. Mayhugh and Powell.

Assembly Bill No. 45—An Act to prevent persons passing through enclosures and leaving them open by tearing down fences, or otherwise, and domestic animals from being shot by persons while hunting on enclosed premises, and providing for payment for such damages so done.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—47.

NAYS—Mr. Green—1.

Absent—Mr. Smyth, of Lander.

Assembly Bill No. 12—An Act to provide for the districting of the several Counties of this State into Commission districts, to define their boundaries, and regulate the election of Commissioners thereof.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Howe, Irvine, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—37.

NAYS—Messrs. Allen, of Storey, Crawford, Fisk, Hanna, Harlow, Kennedy, Lyons, of Storey, Melarkey, Prisk, Smith, of Lyon, and Wer-muth—11.

Absent—Mr. Shakespeare.

#### SPECIAL ORDER.

Assembly Bill No. 1—An Act to provide for the taking care of the Insane of the State of Nevada.

#### REPORT OF COMMITTEE ON STATE INSTITUTIONS.

*Mr. Speaker :*

Your Committee on State Institutions, to whom was referred Assembly Bill No. 1, with instructions to amend the bill in accordance with the instructions of the Assembly, beg leave to report that the bill is amended in accordance with those instructions.

E. N. UNDERWOOD, Chairman.

Assembly Bill No. 1—Read and amendments made thereto.

Mr. Allen (of Storey), moved the indefinite postponement of the bill. Roll called and motion lost by the following vote:

YEAS—Messrs. Allen, of Storey, Beard, Eldred, Fisk, Green, Lyons, of Storey, Plummer, Smith, of Lyon, Watt—9.

NAYS—Messrs. Allen, of Lincoln, Andrews, Crawford, Davies, Flannery, Foulks, Fraser, Foulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Wermuth, Williams, Wilson, and Mr. Speaker—40.

Mr. Allen (of Storey), moved at 3:25 p. m. that the House adjourn until Monday the tenth instant.

Motion lost.

On motion of Mr. Allen (of Lincoln), Assembly Bill No. 1 was referred to the Committee of the Whole.

Mr. Allen (of Storey), 3:31 p. m., moved to adjourn.

Motion lost.

Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Wermuth, Williams, Wilson, and Mr. Speaker—42.

NAYS—Messrs. Kennedy, Lamb, Smith, of Lyon—3.

Absent—Messrs. Andrews, Plummer, Vansickle, and Watt.

Mr. Underwood moved that the House resolve itself into the Committee of the Whole, for the consideration of Assembly Bill No. 1.

Motion carried.

Mr. Underwood in the chair.

In time, the committee arose, and reported back to the House Assembly Bill No. 1, stating that the committee have had the same under consideration, have made amendments thereto, and recommended that the bill be engrossed and passed as amended.

Mr. Speaker in the chair.

Report of the Committee of the Whole adopted.

Mr. Allen (of Storey), at 4:25 p. m., moved to adjourn until Monday, the tenth instant.

Lost.

On motion of Mr. Powell, at 4:27 p. m., the House adjourned.

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of the Assembly.

### THIRTY-FOURTH DAY.

CARSON CITY, February 8, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Ferguson, Kennedy, and Smith (of Storey).

Mr. Robinson asked leave of absence for Mr. Ferguson for one day.

Granted.

Mr. Flannery asked leave of absence for Mr. Smith (of Storey) for one day.

Granted.

Mr. Lamb asked leave of absence for Mr. Kennedy for one day.

Granted.

Journal of the thirty-third day read and approved.

Mr. Smith (of Lyon) rose to a question of privilege, and asked leave to change his vote on Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians from “no” to “aye,” having

voted "no" under a misapprehension yesterday when the bill was on its final passage.

Leave granted.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Enrollment have carefully compared Assembly Joint Resolution No. 12, relative to printing report of Commissioners of the Indigent Insane, and have found the same correctly enrolled, and have, this eighth day of February, 1879, handed the same to the Secretary of State.

Also, Assembly Bill No. 5—An Act to amend an Act entitled "An Act to regulate the settlement of the estate of deceased persons."

Also, Assembly Bill No. 50—An Act to amend Section 341 of Appeals, and have found the same correctly enrolled, and have this 8th day of February, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

*Mr. Speaker :*

Your Committee on Judiciary, to which was referred Senate Bill No. 9, entitled "An Act to amend an Act entitled an Act concerning juries," approved March 5, 1873, having had the same under consideration, beg leave to report upon said bill favorably, and recommend that it do pass.

Also, Senate Bill No. 29, entitled an Act to amend an Act entitled "An Act to provide for obtaining correct statements of the financial condition of the several Counties of this State, and other matters of statistical information," approved February 26, 1873, beg leave to report unfavorably on said bill, and recommend it do not pass.

Also, Senate Bill No. 51, entitled "An Act concerning District Judges in this State," beg leave to report favorably on said bill, and recommend its passage.

Also, Senate Bill No. 73, entitled an Act to amend an Act entitled "An Act concerning the Courts of Justice of this State, and judicial officers," approved January 26, 1865, have had the same under consideration, and beg leave to report favorably on the same, and recommend that it do pass.

Also, have had Assembly Bill No. 46—An Act to prohibit the transportation, manufacture and storage in certain instances of giant powder and other dangerous explosives, under consideration, have made amendments thereto, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 84, entitled "An Act to amend an Act concerning vagrants," after having the same under consideration, beg leave to report the same back to the House with amendments, and recommend its passage as amended.

Also, have had Senate Bill No. 43, entitled "An Act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk," have had the same under consideration, have made some amendments thereto, and report the same back to the House with a recommendation that it do pass as amended.

Also, have had Assembly Bill No. 34, entitled "An Act to create the office of Official Reporter of District Courts," beg leave, after having had

the same under consideration, to report the said bill back without recommendation.

U. E. ALLEN, Chairman.

*Mr. Speaker :*

Your Committee on Public Printing have had Assembly Bill No. 57, entitled "An Act to establish a State Printing Office, and create the office of Superintendent of State Printing," under consideration, have amended the same, and beg leave to report favorably, with the recommendation that it do pass as amended.

F. E. FISK, Chairman.

*Mr. Speaker :*

Your Committee on Engrossment hereby report that they have carefully compared Assembly Bills Nos. 1 and 51, with the engrossed copies thereof, and find them carefully engrossed.

J. C. HARLOW, Chairman.

On motion of Mr. Allen (of Lincoln) the House resolved itself into the Committee of the Whole for the consideration of bills referred to it.

Mr. Allen (of Lincoln) in the chair.

While in Committee of the Whole, Mr. Speaker took the chair to receive a message from the Governor's Private Secretary.

Mr. Fisk asked leave of absence for the remainder of the day.

Granted.

Mr. Allen (of Lincoln) in the chair.

In time the committee arose, and reported back to the House Senate Bill No. 11—An Act to create a State Board of Equalization, to define its powers and duties, and to fix the compensation of its members, with amendments, and without recommendation.

Also, Assembly Bill No. 72—An Act for the relief of L. Morris & Co., Frank Boskowitz, John P. Meder, and Western Union Telegraph Company. Have amended the same, and recommend that it do pass as amended.

Also, Assembly Bill No. 86—An Act to appoint a physician to supervise and protect the insane of the State of Nevada, without amendments, and recommend that it do not pass.

Also, Assembly Bill No. 89—An Act relating to the flow of water in the Truckee River, without amendments; and that it be re-referred to the Committee on Ways and Means, and the Washoe delegation.

Also, Senate Bill No. 42—An Act to provide for the payment of the claims of Z. E. Eldredge, without amendments, and that it do not pass.

Mr. Speaker in the chair.

Report of the Committee of the Whole adopted seriatim.

Mr. Robinson, at 1:20 P. M., moved that the House adjourn until Monday, the tenth instant.

Motion carried.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## THIRTY-SIXTH DAY.

CARSON CITY, Monday, February 10, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Hammond.

Journal of the thirty-fourth day read and approved.

## PETITIONS.

Mr. Taylor presented a petition from citizens of Nye County, Nevada, requesting the Legislature to so amend the license law of Nevada as to protect her merchants from unjust competition with Utah merchants.

Referred to the Committee on Trades and Manufactures.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on State Institutions, to whom was referred Assembly Bill No. 59, entitled "An Act to provide for a residence for the Governor of the State of Nevada," have had the same under consideration. We beg leave to ask that the same be referred to the Committee of the Whole.

Also, Assembly Bill No. 71, entitled "An Act to provide a supply of water for the Capitol and Orphans' Home;" have had the same under consideration. We beg leave to report favorably on the same, with the recommendation that it do pass as amended. Amendment is herein provided.

Respectfully,

E. N. UNDERWOOD, Chairman.

*Mr. Speaker :*

Your Committee on Agriculture, to whom was referred Assembly Bill No. 39, entitled "An Act to provide for the erection and maintenance of Partition Fences," have had the same under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass.

Also, Senate Resolution No. 22—Joint Resolution petitioning Congress to donate arid lands to citizens who shall perfect flowing Artesian Wells in this State. We beg leave to report favorably on the same, with the recommendation that it do pass.

O. P. CRAWFORD, Chairman.

## REPORT OF SELECT COMMITTEES.

*Mr. Speaker:*

Your Special Committee appointed in pursuance to resolution of this House, to investigate and report at an early day, all facts relative to the non-printing of ex-Governor L. R. Bradley's late biennial message, beg leave to report that they have had the same under consideration, and find, from the report of the Hon. Jasper Babcock, Secretary of State, to this committee, which is hereunto annexed, that the original copy of the message in question, was the only one delivered to him, and that he waited a considerable number of days, supposing that a copy had been retained by the Senate Committee on Public Printing. Thinking there had been negligence in its non-delivery, he made diligent search and inquiry of all who should have known of its whereabouts. Failing to procure a copy, he had one made out from the original, and sent for publication about ten days ago. Some five days ago, a copy was found in a drawer of this House, hence his failure to find the same. He further informs the committee that he has no doubt, but the pamphlets will come to hand soon, which I suppose means the printed messages of Governor Bradley. The words "drawer of the House," are very indefinite and unsatisfactory to your committee, and in our opinion leaves the whole matter in the dark as to the responsible party or parties for the non-delivery of the Assembly copy, and the non-printing of the same. The word "soon," that is to say, that the Governor's printed message will soon be received in a printed form, is also unsatisfactory, as no period is mentioned when this Assembly will in all probability receive the printed document in question. Your committee regret that they are unable to report more explicit and definite explanation.

In conclusion, we are of opinion that no criminal negligence was intended, and that the non-printing of the aforesaid message grew out of peculiar circumstances of the occasion incidental to the organization of the Legislature, and the outgoing of the old and the incoming of the new State officers; hence we dismiss the whole subject-matter, and ask that we be discharged from a further consideration thereof. All of which is most respectfully submitted.

JAS. R. ELDRED, Chairman,  
JOHN S. MAYHUGH,

DEPARTMENT OF STATE, }  
SECRETARY'S OFFICE, February 6, 1879. }

*To Hon. J. R. Eldred, Chairman of Committee to inquire into the cause of delay in printing biennial message of Ex-Governor Bradley:*

Dear Sir—I would most respectfully state that the original copy of the aforesaid message, is the only one delivered into my hands. I waited for an extended number of days, supposing the copy had been retained by the Senate Committee on Public Printing for information, thinking there had been negligence in its delivery. I made very diligent search and inquiry of all who should have known of its whereabouts; failing, I had a copy made and sent for publication about one week ago. The day before yesterday it (the copy) turned up in a drawer in your House,

hence my failure to find same. There is no doubt but the pamphlets will come to hand soon.

Your obedient servant,

JASPER BABCOCK,  
Secretary of State.

On motion of Mr. Allen, (of Lincoln), the report of Select Committee was adopted.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
CARSON CITY, NEV., February 8, 1879. }

*To the Honorable the Assembly :*

I have this day approved and deposited in the office of the Secretary of State the following: Assembly Bill No. 5—An Act to amend an Act entitled “An Act to regulate the settlement of the estate of deceased persons.” Assembly Bill No. 50—An Act to amend an Act entitled “An Act to regulate proceedings in civil cases in courts of justice of this State, and to repeal all other Acts in relation thereto.”

JOHN H. KINKEAD,  
Governor.

MOTIONS AND RESOLUTIONS.

By Mr. Watt:

WHEREAS, on Saturday last certain insinuations were thrown out by members on the floor of this House about the use of improper means to secure the passage or defeat of certain measures; therefore, be it

*Resolved*, by the Assembly, that a committee of three members of this House be appointed by the chair to investigate and ascertain if any undue means have been used to secure the defeat or passage of any measure before this House.

Adopted.

Mr. Speaker appointed Messrs. Watt, Smith (of Lyon), and Plummer, as such committee.

By Mr. Paton:

Assembly Joint Resolution No. 16, in relation to amendments to the Constitution of the State of Nevada.

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

On motion of Mr. Shakespeare, Senate Bill No. 29—An Act to amend an Act entitled “An Act to provide for obtaining correct statements of the financial condition of the several counties of this State, and other matters of statistical information;” approved February 26, 1873, was re-referred to the Judiciary Committee.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., February 6, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 60, entitled "An Act to define the duties and liabilities of pawn-brokers and pledgees, which passed the Senate this day: Yeas, 20; nays, 4. I also return to your Honorable Body Assembly Bill No. 15—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, which passed the Senate this day: Yeas, 22; nays, 1.

Also, Assembly Bill No. 56—An Act to pay the deficiencies in the appropriations for the thirteenth and fourteenth fiscal years, which passed the Senate this day: Yeas, 23; nays, none.

Also, Senate Bill No. 6, entitled an Act to authorize the School Trustees of School District No. 10 in Washoe County to issue bonds for school purposes, which passed the Senate this day: Yeas, 20; nays, none.

Also, Senate Bill No. 86—An Act to provide for certain legislative expenses, which passed the Senate this day: Yeas, 16; nays, 4.

Also, Senate Bill No. 77—An Act to provide for the release of certain prisoners confined in the Nevada State Prison, which passed the Senate this day: Yeas, 18; nays, 1.

Also, Senate Bill No. 84—An Act to authorize the payment of the claims of Eugene Blair and James Brown, for certain services rendered the State, which passed the Senate this day: Yeas, 19; nays, 1.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Wermuth, by leave, introduced Assembly Bill No. 91—An Act to pay the claim of H. Knight, Assessor of Eureka County.

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

Mr. Robinson, by leave, introduced Assembly Bill No. 92—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; approved March 11, 1867; approved March 3, 1869; approved March 4, 1871; approved February 20, 1873; approved February 20, 1877.

Bill read first time, rules suspended, read second time, and referred to the Committee of the Whole.

Mr. Smith, of Eureka, by leave, introduced Assembly Bill No. 93—An Act supplemental to an Act entitled "An Act to provide revenue for the support of the government of the State of Nevada," approved March 9, 1865.

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

Senate Bill No. 6—An Act to authorize the School Trustees of School District No. 10, in Washoe County, to issue bonds for school purposes.

Bill read first time, rules suspended, read second time by title, and referred to the Washoe County Delegation.

Senate Bill No. 84—An Act to authorize the payment of the claims of Eugene Blair and James Brown, for certain services rendered to the State.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 77—An Act to provide for the release of certain prisoners confined in the Nevada State Prison.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on State Prison.

Senate Bill No. 86—An Act to provide for certain legislative expenses.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

#### GENERAL FILE.

Assembly Bill No. 9—An Act amendatory of, and supplemental to, an Act to provide for the preservation of fish in the waters of this State, approved March 5, 1877.

Amendment reported by Committee on Education adopted, and dill passed by:

YEAS—Messrs. Allen of Lincoln, Andrews, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—45.

NAYS—Mr. Beard—1.

Absent—Messrs. Allen of Storey, Crawford, and Howe.

On motion of Mr. Plummer, at 12:10 P. M. the House took a recess until 1 o'clock P. M.

House in session at 1:2 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Melarkey asked leave of absence for Mr. Crawford for the remainder of the day.

Granted.

#### GENERAL FILE.

Assembly Bill No. 51—An Act to make it unlawful for the owner or owners of swine, goat, or goats, to allow them to run at large during a certain period of each year, from and after the approval of this act.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson and Mr. Speaker—42.

NAYS—Messrs. Andrews, Kennedy, and Williams—3.

Absent—Messrs. Crawford, Fulton, Ferguson, and Price.

Assembly Bill No. 1—An Act to provide for the taking care of the Insane of the State of Nevada. Mr. Plummer moved that the further consideration of the bill be postponed until the thirteenth instant, at 12 o'clock m., and that it be made the special order for that day and hour.

Messrs. Underwood, Price, and Smith (of Eureka), called for the yeas and nays.

Roll called, and motion carried, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Fraser, Green, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Morrison, Plummer, Powell, Prisk, Shakespeare, Sharp, Smith, of Lyon, Watt, Williams, Wilson, and Mr. Speaker—29.

NAYS—Messrs. Foulks, Ferguson, Gibson, Hagar, Howe, Lane, Lyon, of White Pine, Mayhugh, Paton, Price, Robinson, Smith, of Eureka, Smith, of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, and Wermuth—18.

Absent—Messrs. Crawford, and Fulton.

Senate Bill No. 9—An Act to amend an Act entitled "An Act concerning Juries," approved March 5, 1873.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Fisk, Gibson, Green, Hagar, Hanna, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Morrison, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—34.

NAYS—Messrs. Beard, Flannery, Foulks, Fraser, Fulton, Ferguson, Harlow, Lane, Mayhugh, Melarkey, Paton, Smyth, of Lander, Underwood, and Vansickle—14.

Absent—Mr. Crawford.

Senate Bill No. 43—An Act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk.

Amendments reported by committee, adopted.

Bill read third time, and amended by special committee.

On motion of Mr. Mayhugh, the bill was referred to the Judiciary Committee, with instructions to correct any errors that may appear in the bill.

Senate Bill No. 51—An Act concerning the duties of district judges in this State.

Bill read third time and passed by the following vote:

YEAS—Messrs Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—47.

NAYS—None.

Absent—Messrs. Crawford and Howe.

On motion of Mr. Allen (of Lincoln), at 2:40 p. m. the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

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### THIRTY-SEVENTH DAY.

CARSON CITY, NEVADA, February 11, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Absent—Mr. Howe.

Prayer by the Rev. Mr. Hammond.

Journal of the thirty-sixth day read and approved.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Public Lands, to whom was referred a bill entitled "An Act to authorize the formation of corporations to provide the members thereof with homesteads or parcels of land suitable for homesteads," beg leave to report that they have had the same under consideration, made some amendments thereto, and direct their chairman to report

the same back with the recommendation that it do pass as amended, all of which is respectfully submitted.

(Signed.) JOHN S. MAYHUGH, Chairman.

*Mr. Speaker:*

Your Committee on Enrollment have carefully compared Assembly Bill No. 39—An Act to prevent discrimination in fares and freights; also, Assembly Bill No. 56—An Act to pay deficiencies in the thirteenth and fourteenth fiscal years, and have found the same correctly enrolled, and have this day, February 11, 1879, handed the same to the Governor for his approval.

(Signed.) DANL. LYONS, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment and Enrollment, to whom was referred Assembly Bill No. 53—An Act to regulate the engrossment of bills and resolutions and documents, and the enrollment of laws, resolutions, and other documents, beg leave to report that they have had the same under consideration, made some amendments thereto, and recommend the passage of the bill as amended.

DANL. LYONS,  
Chairman Enrollment Committee.  
J. C. HARLOW,  
Chairman Engrossing Committee.

*Mr. Speaker:*

Your Committee on State Prison have had Senate Bill No. 77, entitled "An Act to provide for the release of certain prisoners confined in the Nevada State Prison," under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

(Signed.) A. MORRISON, Chairman.

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 90, entitled "An Act to provide revenue for the support of the Government of the State of Nevada," approved March 9, 1865, beg leave to report that they have had the same under consideration, and recommend that it do pass.

Also, Assembly Bill No. 68, entitled "An Act to license laundries or wash-houses;" have had the same under consideration, and beg leave to recommend that it do not pass.

(Signed.) J. P. FOULKS, Chairman.

*Mr. Speaker:*

Your Committee on Public Morals, to whom was referred Assembly Bill No. 69, entitled "An Act to prohibit the collection of accounts for liquors sold at retail," have had the same under consideration. We beg leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 58, entitled "An Act relating to the exhuming and transportation of dead bodies;" have had the same under consideration. We beg leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 73, entitled "An Act in relation to the burial of the dead of the incorporated cities in the State of Nevada;" have had the same under consideration. We beg leave to report favorably on the same, with the recommendation that it do pass.

Also, Senate Bill No. 68, entitled "An Act to prevent the keeping of disorderly houses or inns," have had the same under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 10, entitled "An Act to regulate gaming," have had the same under consideration, and beg leave to return the same without recommendation.

JACKSON FERGUSON, Chairman.

#### REPORTS OF SELECT COMMITTEES.

*Mr. Speaker:*

Your Special Committee, consisting of the Washoe delegation, to whom was referred Senate Bill No. 6, entitled "An Act to authorize the School Trustees of School District No. 10, in Washoe County, to issue bonds for school purposes," beg leave to report that they have had the same under consideration, and recommend that it do pass.

J. P. FOULKS,  
W. E. PRICE,  
E. N. UNDERWOOD.

#### MOTIONS AND RESOLUTIONS.

Mr. Allen (of Lincoln), moved that Assembly Bill No. 10, relating to gaming, be referred to the Joint Committee of Fourteen.

Adopted.

By Mr. Smith (of Storey):

*Resolved*, That the Secretary of State furnish the reporters of newspapers with such paper and pencils as they may require in the pursuit of their calling, on the requisition of the Clerk of the House.

Adopted.

Mr. Mayhugh moved to take up Senate Bill No. 77—An Act to provide for the release of certain prisoners confined in the Nevada State Prison.

Adopted.

Senate Bill No. 77, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Frisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—40.

NAYS—Messrs. Beard, Eldred, Kennedy, Lyons, of Storey, Melarkey, Shakespeare, Smith, of Lyon, Vansickle—8.  
Absent—Mr. Howe, of Lander.

Mr. Smyth (of Lander), asked leave of absence for the remainder of the day.

Granted.

Mr. Robinson asked leave of absence for ten days.

Granted.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV. February 10, 1879. }

*To the Honorable the Assembly:*

I have the honor to return for the consideration of your Honorable Body, Assembly Joint Resolution No. 14, relating to mail service from the town of Wadsworth, in this State, via. St. Clair's and Downieville, to Grantsville, Nye County, which passed the Senate this day: Yeas, 21; nays, none.

Also, Senate Concurrent Resolution No. 15, requesting the commanding officer of the Pacific Department to station a company of cavalry at Dutch Valley, which passed the Senate this day: Yeas, 22; nays, none.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Taylor, by leave introduced Assembly Bill 94, an Act to protect and preserve for miners growing timber on unsurveyed lands covering and adjoining mining locations.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to Committee on Public Lands and Mines and Mining Interests.

Senate Bill No. 60—An Act to define the duties and liabilities of pawn-brokers and pledgees.

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

#### GENERAL FILE.

Senate Bill No. 11—An Act to create a State Board of Equalization, to define its powers and duties, and to fix the compensation of its members, was, on motion of Mr. Allen (of Lincoln) made a special order for the 14th inst., at 12 m.

Senate Bill No. 64—An Act to authorize the County Commissioners of Storey County to transfer certain funds.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Shakespeare, Sharp, Smith of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—Messrs. Allen, of Storey, Fisk, Howe, Prisk, Robinson, Smyth, of Lander—6.

On motion of Mr. Foulks, at 12:06 P. M., the House took a recess for one hour.

## HOUSE IN SESSION.

At 1:05 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Watt asked leave of absence for Mr. Wilson for the remainder of the day.

Granted.

### GENERAL FILE.

Senate Bill No. 73—An Act to amend an Act entitled “An Act concerning the courts of justice in this State, and judicial officers,” approved January 26, 1865.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of Storey, Lyons, of White Pine, Melarkey, Morrison, Paton, Powell, Prisk, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, and Mr. Speaker—39.

NAYS—None.

Absent—Messrs. Crawford, Howe, Mayhugh, Plummer, Price, Robinson, Smith, of Eureka, Smyth of Lander, Williams, and Wilson.

Senate Bill No 42—An Act to provide for the payment of the claim of Z. S. Eldridge.

Read third time, and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fulton, Gibson, Harlow, Howe, Irvine, Lyon, of Storey, Lyons, of White Pine, Melarkey, Paton, Powell, Price, Smith, of Eureka, Smith, of Storey, Taylor, and Wermuth—24.

NAYS—Messrs. Fisk, Fraser, Ferguson, Green, Hagar, Hanna, Kennedy, Lamb, Lane, Lawson, Mayhugh, Morrison, Plummer, Prisk, Shakespeare, Sharp, Smith, of Lyon, Underwood, Vansickle, Watt, and Mr. Speaker—21.

Absent—Messrs. Robinson, Smyth, of Lander, Williams, and Wilson.

House concurred in Senate Amendments to Assembly Bill No. 15—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, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of Storey, Lyons, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Robinson, Smyth, of Lander, Taylor, and Wilson.

Senate Bill No. 39—An Act to provide for the erection and maintenance of partition fences.

Bill read third time, and on motion of Mr. Watt, indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of Storey, Lyons, of White Pine, Melarkey, Morrison, Powell, Prisk, Shakespeare, Sharp, Smith, of Lyon, Vansickle, Watt, Wermuth, and Williams—34.

NAYS—Messrs. Davies, Harlow, Howe, Mayhugh, Paton, Plummer, Price, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Mr. Speaker—12.

Absent—Messrs. Robinson, Smyth, of Lander, and Wilson.

Senate Joint Resolution No. 22, relative to petitioning Congress to donate arid lands to citizens who shall perfect flowing artesian wells in this State.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Mayhugh, Robinson, Smyth, of Lander, and Wilson.

Senate Bill No. 6—An Act to authorize the School Trustees of School District No. 10 in Washoe County to issue bonds for school purposes.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons,

of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Allen, of Storey, Fulton, Mayhugh, Robinson, Smyth, of Lander, and Wilson.

Mr. Davies asked leave of absence for the remainder of the day.

Granted.

Senate Bill No. 68—An Act to prevent the keeping of disorderly houses or inns.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Allen, of Storey, Davies, Fulton, Mayhugh, Robinson, Smyth, of Lander, and Wilson.

Assembly Bill No. 58—An Act relating to the exhuming and transportation of dead persons.

Considered engrossed.

Bill read third time and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Hagar, Kennedy, Lamb, Melarkey, Morrison, Prisk, Shakespeare, Sharp, Taylor, Williams—20.

NAYS—Messrs. Beard, Green, Hanna, Harlow, Howe, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Paton, Plummer, Powell, Price, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Vansickle, Watt, Wermuth, and Mr. Speaker—20.

Absent—Messrs. Davies, Fulton, Mayhugh, Robinson, Smyth, of Lander, Underwood, and Wilson.

Assembly Bill No. 76—An Act to protect the rights of owners of stock shares and other interests in mineral and metal yielding mines of this State.

Amendments reported by Committee adopted and bill ordered engrossed.

Assembly Bill No. 61—An Act to amend an Act, entitled "An Act to provide for the maintenance and supervision of the Public Schools," approved March 20, 1865, and amended by Acts approved March 8, 1867; March 5, 1869; March 7, 1873, and March 5, 1877.

Amendments reported by Committee adopted.

Referred to the Committee of the Whole, and made the special order for the eighteenth instant at 12 o'clock m.

Assembly Bill No. 60—An Act to create a State Board of Examination.

Amendments reported by Committee adopted.

Referred to Committee of the Whole, and made the special order for the eighteenth instant at 12 m.

Assembly Bill No. 84—An Act to amend an Act entitled "An Act concerning vagrants and vagrancy."

Amendments reported by Committee adopted, and bill ordered engrossed.

Assembly Bill No. 34—An Act to create the office of Official Reporter of District Courts.

Ordered engrossed.

Assembly Bill No. 46—An Act to prohibit the transportation and manufacture and storage, in certain instances, of giant powder and other dangerous explosives.

Amendments reported by Committee adopted, and bill ordered engrossed.

Assembly Bill No. 57—An Act to establish a State Printing Office, and create the office of Superintendent of State Printing.

Amendments reported by Committee adopted, and bill referred to the Committee of the Whole.

Assembly Bill No. 72—An Act for the relief of L. Morris & Co., S. D. Wright, John P. Meder, and Western Union Telegraph Company.

Ordered engrossed.

Assembly Bill No. 86—An Act to appoint a physician to supervise and protect the interest of the State of Nevada in care of her insane, was on motion of Mr. Smith (of Storey), indefinitely postponed, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—42.

NAYS—Mr. Underwood—1.

Absent—Messrs. Davies, Eldred, Mayhugh, Robinson, Smyth, of Lander, and Wilson.

Assembly Bill 71—An Act to provide a supply of water for the Capitol and the State Orphans' Home.

Amendments reported by Committee adopted, and bill ordered engrossed.

Assembly Bill No. 59—An Act to provide a residence for the Governor of the State of Nevada.

Referred to Committee of the Whole.

Assembly Bill No. 79—An Act to authorize the formation of corporations to provide the members thereof with homesteads, or parcels of land suitable for homesteads.

Amendments reported by Committee adopted, and bill ordered engrossed.

Assembly Bill No. 53—An Act to regulate the engrossment of bills,

resolutions and documents, and the enrollment of laws, resolutions and other documents.

Amendments reported by Committee adopted, and bill ordered engrossed.

Assembly Bill No. 73—An Act in relation to the burial of the dead in incorporated cities in the State of Nevada.

Ordered engrossed.

Assembly Bill No. 68—An Act to license laundries and wash-houses, was, on motion of Mr. Smith (of Storey), indefinitely postponed, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lane, Lawson, Lyons, of Storey, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Smith, of Storey, Taylor, Watt, Wermuth, and Williams—33.

NAYS—Messrs. Davies, Lamb, Sharp, Smith, of Eureka, Smith, of Lyon, Underwood, Vansickle, and Mr. Speaker—8.

Absent—Messrs. Crawford, Eldred, Lyon, of White Pine, Mayhugh, Robinson, Smyth, of Lander, and Wilson.

Assembly Bill No. 69—An Act to prohibit the collection of accounts for liquors sold at retail.

Ordered engrossed.

Assembly Bill No. 90—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.

Ordered engrossed.

On motion of Mr. Hanna, at 2:33 p. m., the House adjourned.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODORTH,  
Chief Clerk of Assembly.

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### THIRTY-EIGHTH DAY.

CARSON CITY, February 12, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Mr. Robinson.

Prayer by the Rev. Mr. Hammond.

Journal of the thirty-seventh day read and approved.

Mr. Beard moved at 11:20 A. M., that the House do now adjourn until the thirteenth inst., in honor of the birthday of Abraham Lincoln.

Carried.

Approved:

H. A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

### THIRTY-NINTH DAY.

CARSON CITY, February 13, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Mr. Robinson.

Prayer by the Rev. Mr. Hammond.

Journal of the thirty-eighth day read and approved.

### PETITIONS.

Mr. Plummer presented a petition from citizens of Elko County praying for relief from the exorbitant charges for freights and fares, and the unjust discriminations of railroad companies in the State of Nevada.

Laid on the table.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 2—An Act to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other Acts in relation thereto," approved March 2, 1875, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

Also, Assembly Bill No. 38—An Act to amend "An Act to regulate proceedings in civil cases of the Courts of Justice of this State, and to repeal all other Acts in relation thereto," approved March 8, 1869, and recommend its passage.

Also, Assembly Bill No. 66—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," beg leave to report the same back without recommendation.

Also, Assembly Bill No. 8—An Act to amend an Act entitled "An Act to secure leins to mechanics and others, and to repeal all other Acts in relation thereto," beg leave to report favorably on the same, and recommend its passage.

Also, Senate Bill No. 29—An Act to amend an Act entitled "An Act to provide for obtaining correct statements of the financial condition of the several counties of this State, and other matters of statistical information," approved February 26, 1873, after having had the same under consideration, beg leave to report the bill back, and recommend its passage.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 43—An Act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk," after having had the same under consideration, beg leave to report the bill back with amendments, and recommend its passage as amended.

U. E. ALLEN, Chairman.

*Mr. Speaker :*

Your Committee on Corporations and Railroads, to whom was referred Assembly Bill No. 83, entitled "An Act granting the right of way from Mount Rose Mining District, Nevada, to Martin Creek, Nevada," beg leave to report favorably on the same, with the recommendation that the same do pass.

J. P. SMITH, Chairman.

*Mr. Speaker :*

Your Committee on Claims, to whom was referred the claim of Mayo A. Greenlaw, for copying report of the Commissioners of the Indigent Insane, beg leave to report that they have had the same under consideration, and report favorably thereon,

B. L. PLUMMER, Chairman. .

*Mr. Speaker :*

Your Committee on Claims, to whom was referred Assembly Bill No. 91—An Act to pay the claim of Hank Knight, beg leave to report that they have considered the same, and recommend its passage.

B. L. PLUMMER, Chairman.

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 70, entitled an Act to abolish the office of County Superintendent of Public Schools, had have the same under consideration, and beg leave to report favorably on the same, with the amendments herewith.

G. W. WILSON, Chairman.

*Mr. Speaker:*

Your Committee on State Prison, to whom was referred Assembly Bill No. 78, entitled "An Act amendatory of and supplementary to an Act to provide for the government of the State Prison of the State of Nevada," approved March 7, 1873, have had the same under consideration, and propose several amendments, which are herewith submitted;

and with said amendments beg leave to report favorably, and recommend its passage.

Also, Senate Bill No. 74, entitled an Act to amend section twenty-one of an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada," approved March 7, 1873, have had the same under consideration, and beg leave to report the same back without recommendation.

A. MORRISON, Chairman.

*Mr. Speaker :*

Your Committee on Enrollment beg leave to report that they have carefully compared Assembly Joint Resolution No. 14, relative to mail service from the town of Wadsworth, this State *via* St. Clair's and Downeville to Grantsville, Nye County.

Also, Assembly Concurrent Resolution No. 15, requesting the commanding officer of the department of the Pacific, to station a company of cavalry at Duck Valley, and have found the same correctly enrolled, and have on this twelfth day of February, 1879, handed the same to the Secretary of State.

Also, have carefully compared Assembly Bill No. 15—An Act to provide revenue for the support of the government of the State of Nevada; have found the same correctly enrolled, and have this thirteenth day of February, handed the same to the Governor for his approval. \*

DANIEL LYONS, Chairman.

*Mr. Speaker :*

Your Committee on Engrossment, to whom was referred Assembly Bills Nos. 46, 52, 76, 34, 41, and 79, beg leave to report that they have compared the engrossed copies thereof with the originals, and find them correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker :*

Your Special Committee of fourteen (composed of one from each county), to whom was referred Assembly Bills Nos. 10 and 26, entitled No. 10, An Act to regulate gaming; and No. 25, An Act to restrict gaming, and to repeal all other Acts in relation thereto, have had the same under consideration, and as to Assembly Bill No. 10, beg leave to report its indefinite postponement; and as to Assembly Bill No. 25, report favorably on the same, with amendments, and recommend its passage as amended.

U. E. ALLEN, Chairman.

Report adopted, and committee discharged.

*Mr. Speaker :*

Your Committee appointed to ascertain if there has been any undue influence used to further or retard the passage of any measure in the Assembly, beg leave to report that they have learned from various reliable sources, that there has been, and is, practiced a system of "log-roll," or trading of votes among members, that is pernicious and reprehensible in the highest degree, subversive of good and honest legislation, and dangerous to the enactment of just and wholesome laws. This system is, to

a certain extent, forced upon some upon threats of the defeat of their own bills, the merit or wisdom of which is not, for a moment, taken into consideration. Especially is this "bull-dosing" process particularly conspicuous in the history of the Insane Asylum project. That legislators should take such unfair and unjust means to further their aim, especially when the honor of the State, and the interest of every tax-paying citizen alone should be considered, is beyond our comprehension, and the system should be frowned upon by all honorable gentlemen, both in and out of the Legislature.

GEO. WATT, Chairman.

Report adopted and committee discharged.

#### MESSAGES FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
CARSON CITY, February 11, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bill No. 56—"An Act to pay the deficiencies in the appropriations for the thirteenth and fourteenth fiscal years."

JOHN H. KINKEAD,  
Governor.

#### MOTIONS AND RESOLUTIONS.

By Mr. Plummer:

*Resolved*, That the Sergeant-at-Arms is hereby to draw his warrant on the State Controller, in favor of Mayo A. Greenlaw, for the sum of \$48, for services in making copy of the report of the Commissioners for the care of the Indigent Insane.

Adopted.

By Mr. Crawford:

WHEREAS, certain penalty attached from the non-payment of the tax on proceeds of the California and Consolidated Mining Companies for the second and third quarters, A. D. 1876; and whereas, such penalty amounting to \$125,000 became due the State of Nevada and County of Storey, has not been paid, and vague reports are in circulation regarding a compromise or abatement of said penalty:

*Therefore, be it resolved*, That a committee of three members of this House be appointed by the Speaker, with instructions to investigate the facts and rumors connected with said penalty, and report on or before the eighteenth day of February, A. D. 1879.

Adopted.

Messrs. Crawford, Vansickle, and Hager, were appointed as such committee.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, February 11, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 28, entitled an Act transferring the unappropriated balance in the State Building Fund to the General Fund of the State, which passed the Senate: Yeas, 19; nays, 3.

Also, Senate Bill No. 85, entitled an Act to provide for the erection of guide-boards on public roads and highways, which passed the Senate this day: Yeas, 21; nays, 1.

Also, Senate Bill No. 95, entitled an Act to provide for the payment of certain indebtedness accrued and to accrue of White Pine County, which passed the Senate this day: Yeas, 22; nays, none.

I also return to your Honorable Body, Assembly Bill No. 12—An Act to provide for the districting of the several counties of this State into Commissioner Districts, to define their boundaries, and regulate the election of Commissioners thereof, which was this day indefinitely postponed by the Senate.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Wermuth, by leave, introduced Assembly Bill No. 95—An Act to encourage the sinking of artesian wells.

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

Mr. Lane, by leave, introduced Assembly Bill No. 96—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.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to Committee on Ways and Means.

By Mr. Underwood:

Assembly Bill No. 97—An Act to secure safety to human life in the use of steam in transportation and otherwise.

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

Mr. Prisk, by leave, introduced Assembly Bill No. 98—An Act to amend section 220 of an Act 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," approved March 8, 1869.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Judiciary Committee.

Senate Bill No. 95—An Act to provide for the payment of certain indebtedness accrued and to accrue of White Pine County.

Bill read first time.

Senate Bill No. 85—An Act to provide for the erection of guide-boards on public roads and highways.

Bill read first time.

Senate Bill No. 88—An Act transferring the unappropriated balance in the State Building Fund to General Fund of the State.

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

On motion of Mr. Davies, at 12 m. the consideration of special order, viz., Assembly Bill No. 1—An Act to provide for the taking care of the Insane of the State of Nevada, was continued until one o'clock p. m., and the House took a recess until that hour.

## HOUSE IN SESSION.

At one o'clock p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

### SPECIAL ORDER.

Assembly Bill No. 1—An Act to provide for the taking care of the Insane of the State of Nevada.

Amendments made thereto ordered re-engrossed, and made the special order for the fourteenth instant, immediately after the reading and approval of the Journal.

Assembly Bill No. 46—An Act to prohibit the transportation, manufacture and storage, in certain instances, of giant powder and other dangerous explosives.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Davies, Eldred, Flannery, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Mayhugh, Melarkey, Morrison, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Wermuth, Williams, Wilson, and Mr. Speaker—31.

NAYS—Messrs. Allen, of Storey, Andrews, Fisk, Foulks, Fulton, Lane, Lyons, of Storey, Lyon, of White Pine, Paton, Plummer, Powell, Price, Prisk, Smith, of Storey, Vansickle, Watt—16.

Absent—Mr. Robinson.

Assembly Bill No. 76—An Act to protect the rights of owners of stock shares and other interests in the mineral and metal-yielding mines of this State.

Re-referred to the Committee on Mines and Mining Interests.

Assembly Bill No. 79—An Act to authorize the formation of corporations to provide the members thereof with homesteads, or parcels of land suitable for homesteads.

Made the special order for the seventeenth instant at one o'clock p. m.

Assembly Bill No. 52—An Act to amend an Act entitled "An Act to incorporate Carson City," approved February 25, 1875.

Amended by Special Committee, and passed as amended by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent — Messrs. Crawford, Howe, Robinson, Underwood and Kennedy.

Assembly Bill No. 41—An Act to prevent fraud at primary elections, and to provide that they may be honestly conducted.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Fisk, Flannery, Foulks, Ferguson, Hanna, Kennedy, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Plummer, Powell, Price, Prisk, Sharp, Smith, of Lyon, Taylor, Wermuth, and Mr. Speaker—24.

NAYS—Messrs. Allen, of Storey, Crawford, Davies, Eldred, Fraser, Fulton, Gibson, Green, Hagar, Harlow, Howe, Irvine, Lamb, Mayhugh, Paton, Shakespeare, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Williams, Wilson—23.

Absent—Messrs. Underwood and Robinson.

Mr. Mayhugh gave notice that on the fourteenth instant he would move for a re-consideration of the vote by which Assembly Bill No. 41 failed to pass the Assembly.

Assembly Bill No 34—An Act to create the office of Official Reporter of District Courts.

Bill read third time and referred to the Committee of the Whole.

Assembly Bill No. 38—An Act to amend an Act to regulate proceedings in civil cases of the Courts of Justice of this State, and to repeal all other Acts in relation thereto.

Bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Foulks, Fraser, Ferguson, Gibson, Hanna, Harlow, Howe, Lane, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Smith, of Storey, Taylor, Underwood, Wermuth, Williams, Wilson, and Mr. Speaker—28.

NAYS—Messrs. Beard, Crawford, Eldred, Fisk, Flannery, Fulton, Green, Hagar, Irvine, Kennedy, Lamb, Lawson, Lyon, of White Pine, Plummer, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Vansickle and Watt—20.

Absent—Mr. Robinson.

Senate Bill No. 29—An Act to amend an Act entitled "An Act to provide for obtaining correct statements of the financial condition of the several Counties of this State, and other matters of statistical information," approved February 26, 1873.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lamb, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Payton, Powell, Price, Shakespeare, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Wermuth, Williams, Wilson, and Mr. Speaker—39.

NAYS—Messrs. Kennedy, Lane, Lawson, Plummer, Prisk, Sharp, Smith, of Lyon, and Vansickle—8.

Absent—Messrs. Robinson and Watt.

Senate Bill No. ———An Act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk.

Amendment reported by Judiciary Committee adopted.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Payton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

NAYS—Messrs. Green and Hagar—2.

Absent—Mr. Robinson.

Mr. Davies, by leave, introduced Assembly Concurrent Resolution No. 17, relative to granting power to the Joint Committee of Fourteen to send for persons and papers, and to administer oaths.

Mr. Foulks moved to amend by inserting the following proviso:

*Provided:* That the Woodburn Bill be reported from said Committee of Fourteen on Monday, the seventeenth inst., and that the Lewis Bill be reported from said committee on the twentieth inst.

Speaker *pro tem.* in the chair.

Mr. Smith (of Lyon) moved to lay the resolution on the table.

Mr. Davies desired to be heard in answer to Mr. Gaston.

The Speaker *pro tem.*, recognized Mr. Davies, and declared him entitled to the floor.

Mr. Plummer appealed from the decision of the chair.

The question being: "Shall the decision of the chair stand as the judgment of the House?"

Messrs. Fisk, Flannery and Shakespeare called for the yeas and nays.

Roll called, and the House sustained the chair by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Davies, Eldred, Flannery, Fraser, Fulton, Gibson, Green, Howe, Irvine, Lamb, Lane, Lawson, Paton, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith of Storey, Smyth, of Lander, Taylor, Underwood, Wermuth, Williams, and Mr. Wilson—27.

**NAYS**—Messrs. Beard, Crawford, Fisk, Foulks, Ferguson, Hagar, Hanna, Harlow, Kennedy, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Smith of Lyon, Vansickle, Watt, and Mr. Speaker—19.

**Absent**—Messrs. Robinson and Powell.

Mr. Smith (of Lyon) moved to lay the Concurrent Resolution No. 17 on the table.

Messrs. Gaston, Morrison and Plummer called for the yeas and nays.

Roll called, and motion to lay on the table lost by the following vote :

**YEAS**—Messrs. Beard, Crawford, Fisk, Foulks, Ferguson, Hagar, Hanna, Harlow, Kennedy, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Plummer, Powell, Smith, of Lyon, Smyth, of Lander, Vansickle, Watt, and Mr. Speaker—20.

**NAYS**—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Flannery, Fraser, Fulton, Gibson, Green, Howe, Irvine, Lamb, Lane, Lawson, Lyon, of White Pine, Payton, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Wermuth, Williams and Wilson—28.

**Absent**—Mr. Robinson.

The question recurring on the amendment proposed by Mr. Foulks. Messrs. Mayhugh, Melarkey and Powell called for the yeas and nays. Roll called and amendment lost by the following vote :

**YEAS**—Messrs. Beard, Crawford, Foulks, Fraser, Ferguson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Plummer, Price, Smith, of Lyon, Smyth, of Lander, Watt, and Mr. Speaker—20.

**NAYS**—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Fisk, Flannery, Fulton, Gibson, Green, Howe, Lamb, Lane, Lawson, Lyon, of White Pine, Paton, Powell, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Wermuth, and Wilson—27.

**Absent**—Messrs. Robinson and Williams.

Messrs. Plummer, Smith (of Lyon), and Mayhugh, called for the yeas and nays on the adoption of Mr. Davies' resolution.

Roll called and resolution lost by the following vote :

**YEAS**—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Flannery, Fulton, Gibson, Green, Howe, Irvine, Lane, Paton, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Wermuth, and Wilson—22.

**NAYS**—Messrs. Beard, Crawford, Fisk, Foulks, Fraser, Ferguson, Hagar, Hanna, Harlow, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Smith, of Lyon, Smyth, of Lander, Vansickle, Watt, Williams, and Mr. Speaker—26.

**Absent**—Mr. Robinson.

On motion of Mr. Plummer at 3:16 p. m. the House adjourned.

Approved:

H. A. GASTON,

Speaker of Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of Assembly.

## FORTIETH DAY.

CARSON CITY, Feb. 14, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called; absent, Messrs. Robinson and Smith, of Lander.

Prayer by the Rev. Mr. Hammond.

Journal of the thirty-ninth day read and corrected, so as to read that Mr. Plummer appealed from the decision of the chair in lieu of Mr. Speaker; and that Mr. Hagar called for the yeas and nays in lieu of Mr. Gaston, on the motion to lay Assembly Concurrent Resolution No. 17 on the table.

The journal was then approved as corrected.

### REPORT OF COMMITTEE ON ENGROSSMENT.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have compared Assembly Bills Nos. 53 and 84, with the engrossed copies thereof and find the same correctly engrossed. Also, Assembly Bill No. 1, which was ordered re-engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker:*

Your Committee on State Institutions, to which was referred the report of the Special Committee appointed by Senate and Assembly to visit the "Insane Asylum in Stockton, California; also, the Deaf and Dumb Institution in Berkeley, California," beg leave to state that we have had the same under consideration, and most respectfully call the attention of the Assembly to a few facts and figures connected with the expenditures of the same.

We find on or about July 15, 1871, there were turned over to Drs. Langdon and Clark, proprietors of the Pacific Insane Asylum, the

patients from Nevada, who had been cared for by the California State Asylum

Were .....	36
Number of committals, 1871 and 1872 .....	28
Number of committals, 1873 and 1874 .....	47
Number of committals, 1875 and 1876 .....	55
Number of committals, 1877 and 1878 .....	69
<b>Total.....</b>	<b>235</b>
Number of deaths, 1871 and 1872 .....	12
Number of deaths, 1873 and 1874 .....	10
Number of deaths, 1875 and 1876 .....	21
Number of deaths, 1877 and 1878 .....	5
<b>Total.....</b>	<b>48</b>
Number of discharges, 1871 and 1872 .....	10
Number of discharges, 1873 and 1874 .....	15
Number of discharges, 1875 and 1876 .....	17
Number of discharges, 1877 and 1878 .....	18
<b>Total.....</b>	<b>60</b>
Number of escapes from 1871 to 1878 .....	2
Number of patients on hand, December 31, 1878 .....	125
<b>Total.....</b>	<b>235</b>

Percentage of cures, 25 5-100.  
Percentage of deaths, 24 48-100.

#### EXPENSES.

Care of Insane, 1871 and 1872 .....	\$29,392 61
Care of Insane, 1873 and 1874 .....	41,498 78
Care of Insane, 1875 and 1876 .....	63,485 25
Care of Insane, 1877 and 1878 .....	71,640 00
<b>Total.....</b>	<b>\$196,016 64</b>
Transportation, 1871 and 1872 .....	2,795 00
Transportation, 1873 and 1874 .....	3,246 75
Transportation, 1875 and 1876 .....	7,902 40
Transportation, 1877 and 1878 .....	10,454 07
<b>Total.....</b>	<b>\$24,397 72</b>
Incidental expenses, 1871 and 1872 .....	778 00
Incidental expenses, 1873 and 1874 .....	994 65
Incidental expenses, 1875 and 1876 .....	775 00
Incidental expenses, 1877 and 1878 .....	900 00
<b>Total.....</b>	<b>\$3,447 65</b>

Total expenses since 1871, \$223,862.01. Or, per head, \$952.60.  
All of which is respectfully submitted.

E. N. UNDERWOOD, Chairman.

SPECIAL ORDER.

Assembly Bill No. 1—An Act to provide for the taking care of the Insane of the State of Nevada.

Bill read third time, amended by special committee.

Mr. Underwood, by leave, presented the following report:

\* \* \* \* \*

Messrs. Price, Mayhugh, and Underwood, moved the previous question.

Motion carried.

The previous question being the final passage of Assembly Bill No. 1.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Harlow, Howe, Irvine, Kennedy, Lane, Lawson, Lyon, of White Pine, Mayhugh, Paton, Price, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Wermuth, Wilson, and Mr. Speaker—31.

NAYS—Messrs. Beard, Crawford, Eldred, Fisk, Green, Hanna, Lamb, Lyons, of Storey, Melarkey, Morrison, Plummer, Powell, Shakespeare, Smith, of Lyon, Watt, Williams—16.

Absent—Messrs. Robinson and Smyth, of Lander.

On motion of Mr. Lane, at 12.55 p. m., the House took a recess for one hour.

House in session at 1:58 p. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Mr. Lyon (of White Pine) asked leave of absence for Mr. Wilson for the remainder of the day.

Granted.

Mr. Crawford asked leave of absence for the remainder of the day.

Granted.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
CARSON CITY, February 12, 1879. }

*To the Honorable the Assembly :*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bill No. 39—An Act to prevent discrimination in fares and freights by railroad companies whose railroads run through the

State of Nevada, or by railroad companies, the terminus or termini of whose railroads are within the State of Nevada.

JOHN KINKEAD,  
Governor.

STATE OF NEVADA, EXECUTIVE DEPARTMENT,  
CARSON CITY, February 13, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bill No. 15—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.

JOHN H. KINKEAD,  
Governor.

MOTIONS AND RESOLUTIONS.

By Mr. Allen (of Lincoln):

*Resolved*, That on and after Monday, February 17, 1879, this House shall meet at 10 o'clock A. M. of each day.

Laid over under the rules.

Pursuant to previous notice, Mr. Mayhugh moved the reconsidering of the vote by which Assembly Bill No. 41—An Act to prevent fraud at Primary Elections, and to provide that they may be honestly conducted, failed to pass the House.

Agreed to.

Mr. Mayhugh moved that Assembly Bill No. 75—An Act to prevent breach of the peace, and to make words actionable in certain cases, be taken from the table, and placed on the general file.

Carried.

MESSAGE FROM SECRETARY OF STATE.

STATE OF NEVADA, OFFICE OF SECRETARY OF STATE, }  
February 14, 1879.

*To the Honorable the Assembly:*

At a special meeting of the Board of Prison Commissioners, held this day, the following named were selected as a commission, to visit the State Prison, as provided for by Senate Bill No. 77:

Senator	G. W. CASSIDY.
Senator	J. P. WHEELER.
Assemblyman	J. S. MAYHUGH.
Assemblyman	W. B. TAYLOR.
Assemblyman	A. MORRISON.

By order of the Board of State Prison Commissioners.

Your obedient servant,

JASPER BABCOCK,  
Secretary of State.

By Mr. Price:

*Resolved*, That the State Controller be, and is hereby authorized and required, to draw his warrant on the State Treasurer, in favor of Jerry Schooling, for copying State Treasurer's report for the years 1877 and 1878, for the sum of two hundred and nineteen dollars and sixty-eight cents (\$219.68), the same to be paid out of the Legislative Fund.

Referred to the Committee of the Whole.

# REPORT OF COMMITTEE ON CLAIMS.

*Mr. Speaker :*

Your Committee on Claims, to whom was referred the claims of volunteers, called out during the Indian troubles in Elko County, during the year 1878, beg leave to report Assembly Bill No. —, and recommend the passage of the same.

J. LANDON SMITH, Chairman.

SENATE CHAMBER,  
CARSON CITY, February 12, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to return to your Honorable Body, Assembly Bill No. 24—An Act to amend an Act entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873, which was indefinitely postponed by the Senate this day.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

SENATE CHAMBER,  
CARSON CITY, NEV., February 13, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body Senate Bill No. 70, entitled an Act to amend an Act entitled "An Act to protect the rights of owners of stock, shares, and other interests, in the mineral and metal yielding mines of this State," approved February 21, 1877, which passed the Senate this day. Yeas, 13; nays, 8.

I also return to your Honorable Body Assembly Bill No. 9—An Act amendatory and supplemental to "An Act to provide for the preservation of fish in the waters of this State," approved March 1877, which passed the Senate this day. Yeas, 23; nays, 0.

Also, Assembly Bill No. 45—An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise; and domestic animals from being shot by persons while hunting on inclosed premises, and providing for payment of such damages so done, which was this day amended and passed by the Senate. Yeas, 19; nays, 4.

Also, Assembly Bill No. 51—An Act entitled "An Act to make it unlawful for the owner or owners of swine, goat or goats, to allow them to

run at large during a certain period of each year from and after the approval of this Act," which passed the Senate this day. Yeas, 16; nays, 6.

Also, Assembly Concurrent Resolution No. 10—Relative to reports of Railroad Companies under the general Railroad Act, which was this day indefinitely postponed by the Senate.

Also, transmit for your consideration Senate Bill No. 63—An Act to authorize the county of Elko to contract a debt, and to issue bonds for the construction of a county jail, which passed the Senate this day. Yeas, 21; nays, 0.

Also, Substitute for Senate Bill No. 76—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate proceedings in civil cases in the courts of justice of this State, and repeal all other Acts in relation thereto," approved March 8, 1869; approved March 5, 1877, which passed the Senate this day. Yeas, 23; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

#### SECOND READING OF BILLS.

Senate Bill No. 95—An Act to provide for the payment of certain indebtedness accrued and to accrue of White Pine County.

Rules suspended, bill read second time by title.

Senate Bill No. 85—An Act to provide for the erection of guideboards on public roads and highways.

Rules suspended, bill read second time by title.

#### INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Smith (of Eureka):

Assembly Bill No. 99—An Act to appropriate money for the payment of certain claims against the State of Nevada.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Mr. Wermuth, by leave, introduced Assembly Bill No. 100—An Act to authorize the County Commissioners of Eureka County to pay certain claims.

Bill read first time, rules suspended, read second time by title, and ordered engrossed.

Senate Bill No. 63—An Act to authorize the county of Elko to contract a debt and to issue bonds for the construction of a county jail.

Bill read first time, rules suspended, read second time by title, and referred to the Elko County delegation.

Senate Bill No. 70—An Act to amend an Act entitled "An Act to protect the rights of the owners of stock, shares, and other interests, in the mineral and metal yielding ores in this State;" approved February 21, 1877.

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

Senate Substitute for Senate Bill No. 76—An Act to amend An Act entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and repeal all

other Acts in relation thereto,' " approved March 8, 1869, approved March 5, 1877.

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

Mr. Gaston (Mr. Speaker), by leave, introduced Assembly Bill No. 101—An Act to regulate the price of water in certain cases, and to enforce the same.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Storey County delegation.

Mr. Smith (of Lyon), by leave, introduced Assembly Bill No. 102—An Act amendatory of an Act entitled "An Act concerning the office of Surveyor-general.

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

#### GENERAL FILE.

Assembly Bill No. 84—An Act to amend an Act concerning vagrancy and vagrants.

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

YEAS—Messrs. Allen, of Lincoln, Allen of Storey, Andrews, Beard, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Crawford, Davies, Fisk, Robinson, Smyth, of Lander, and Wilson.

Assembly Bill No. 53—An Act to regulate the copying, engrossing and enrolling of bills, resolutions, laws, and other documents.

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

YEAS—Messrs. Green, Hagar, Harlow, Lamb, and Powell—5.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hanna, Howe, Irvine, Kennedy, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—38.

Absent—Messrs. Crawford, Davies, Plummer, Robinson, Smyth, of Lander, and Wilson.

Senate Bill No. 74—An Act to amend section 21 of an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada," approved March 7, 1873.

Bill read third time, and on motion of Mr. Allen (of Lincoln), the bill was laid on the table.

Senate Bill No. 11—An Act to create a State Board of Equalization, to define its powers and duties, and to fix the compensation of its members.

Mr. Fisk moved the indefinite postponement of the bill.

Mr. Smith (of Storey), Allen (of Storey), and Smith (of Eureka), moved the previous question.

Carried.

The question being the motion to indefinitely postpone, roll called, and motion carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Eldred, Flannery, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, and Wermuth—29.

NAYS—Messrs. Allen, of Storey, Beard, Davies, Fisk, Foulks, Fraser, Green, Howe, Kennedy, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Williams, and Mr. Speaker—16.

Absent—Messrs. Crawford, Robinson, Smyth, of Lander, and Wilson.

Assembly Bill No. 41—An Act to prevent fraud at primary elections, and to provide that they may be honestly conducted.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Fisk, Flannery, Foulks, Fraser, Ferguson, Hanna, Harlow, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Prisk, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Wermuth, and Mr. Speaker—31.

NAYS—Messrs. Allen, of Storey, Davies, Eldred, Fulton, Gibson, Green, Hagar, Irvine, Paton, Vansickle, Watt, Williams—12.

Absent—Messrs. Crawford, Howe, Robinson, Smyth, of Lander, Wilson and Shakespeare.

Assembly Bill No. 8—An Act to amend an Act entitled “An Act to secure liens to mechanics and others, and to repeal all other Acts in relation thereto.”

Ordered engrossed.

Assembly Bill No. 78—An Act amendatory of and supplementary to an Act entitled, “An Act to provide for the government of the State Prison of the State of Nevada,” approved March 7, 1873.

Amendments reported by committee adopted, and bill ordered engrossed.

Assembly Bill No. 25—An Act to restrict gaming, and to repeal all other Acts in relation thereto.

Amendments reported by committee adopted, and bill ordered engrossed.

Assembly Bill No. 10—An Act to regulate gaming, was, on motion of Mr. Lane, indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna,

Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Williams, and Mr. Speaker—40.

NAYS—Mr. Allen, of Storey—1.

Absent—Messrs. Crawford, Foulks, Howe, Mayhugh, Smyth, of Lander, Robinson, Wermuth and Wilson.

Assembly Bill No. 2—An Act to amend an Act entitled “An Act to secure liens to mechanics and others, and to repeal all other Acts in relation thereto,” approved March 2, 1875.

Ordered engrossed.

Assembly Bill No. 66—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.”

Ordered engrossed.

Assembly Bill No. 83—An Act granting the right of way for a railroad from Mount Rose Mining District, Nevada, to Martin Creek, Nevada.

On motion of Mr. Morrison, laid temporarily on the table.

Assembly Bill No. 91—An Act to pay the claim of H. Knight, Assessor of Eureka County.

Ordered engrossed.

Assembly Bill No. 70—An Act to abolish the office of County Superintendent of Public Schools.

Amendments reported by Committee adopted and bill ordered engrossed.

Assembly Bill No. 75—An Act entitled an Act to prevent breach of the peace, and to make words actionable in certain cases.

Ordered engrossed.

Mr. Smith at 3:34 moved that the House adjourn until the seventeenth instant.

Motion lost.

Mr. Powell (of Storey), at 3:35 p. m. moved to adjourn.

Motion lost.

Mr. Plummer at 3:36 p. m. moved to adjourn until the seventeenth instant.

Motion lost.

The House concurred in Senate Amendments to Assembly Bill No. 45—An Act to prevent persons passing through enclosures and leaving them open by tearing down fences or otherwise, and domestic animals from being shot by persons while hunting in enclosed premises, and providing for payment of such damages so done.

Bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Allen of Storey, Crawford, Howe, Mayhugh, Plummer, Robinson, Smyth, of Lander, and Wilson.

Mr. Smith (of Storey), moved that the House adjourn until the seventeenth instant.

Messrs. Davies, Flannery and Smith (of Storey), called for the yeas and nays.

Roll called and motion carried by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Davies, Eldred, Fisk, Flannery, Foulks, Fulton, Ferguson, Hagar, Kennedy, Lawson, Lyon, of White Pine, Paton, Plummer, Price, Prisk, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Watt, Wermuth, and Williams—25.

NAYS.—Messrs. Allen, of Lincoln, Beard, Fraser, Gibson, Green, Hanna, Harlow, Howe, Irvine, Lamb, Lane, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Powell, Shakespeare, Underwood, Vansickle, and Mr. Speaker—20.

Absent—Messrs. Crawford, Smyth, of Lander, Robinson, and Wilson.

## FORTY-THIRD DAY.

CARSON CITY, February 17, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Mr. Robinson.

Prayer by the Rev. Mr. McClain.

Journal of the fortieth day read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No 65—An Act to amend 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, approved March 8, 1869, beg leave to report that we have had the same under consideration, and recommend it do not pass.

Also, Assembly Bill No 98—An Act to amend section 220 of an Act 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," approved March 8, 1869, beg leave to report that we have had the same under consideration, and recommend it do not pass.

U. E. ALLEN, Chairman.

*Mr. Speaker :*

Your Committee on Engrossment beg leave to report that they have compared Assembly Bills Nos. 2, 4, 8, 25, 70, 72, and 73, with the engrossed copies thereof, and find them correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker :*

Your Committee on Claims, to whom the claims of certain parties against the State of Nevada for furnishing supplies, transportation of arms, etc., beg leave to report the inclosed bill, and recommend that it do pass.

J. LANDON SMITH, On Part of Committee.

#### REPORTS OF SELECT COMMITTEES.

*Mr. Speaker :*

The Humboldt County Delegation, to whom was referred Assembly Bill No. 82—An Act for the relief of J. P. Able, have carefully considered the same. They have written to several parties in Humboldt County who are conversant with the matters, and from all the information gained the majority of the delegation are forced to the conclusion that the said J. F. Able is not entitled to the relief demanded, and therefore they report unfavorably, and recommend the indefinite postponement of the bill.

A. MORRISON,  
O. P. CRAWFORD.

*Mr. Speaker :*

A minority of the Humboldt County Delegation, to whom was referred Assembly Bill No. 82—An Act for the relief of J. F. Able, believe, from the statement of said Able, and also from the statement of C. A. Nichols, ex-County Commissioner of Humboldt County, that the said J. F. Able is entitled to the relief demanded, and therefore report favorably, and recommend the passage of the bill.

J. MELARKEY.

#### MOTIONS AND RESOLUTIONS.

Mr. Allen (of Lincoln) moved to take up the resolution introduced by him on the fourteenth instant, relative to changing the daily hour of meeting of the Assembly from 11 A. M. to 10 A. M.

Agreed to.

Mr. Morrison moved to strike out "on or after Monday, February 17, 1879," and in lieu thereof insert the word "hereafter."

Carried.

The House then adopted the resolution as amended.

By Mr. Speaker:

Assembly Joint Resolution No. 18—Praying the President of the United States to approve the Anti-Chinese Immigration Bill.

Bill read first time, and on motion of Mr. Taylor, the rules were suspended, resolution read a second time by title, rules further suspended, joint resolution considered engrossed, read a third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—47.

NAYS—None.

Absent—Messrs. Ferguson, and Robinson.

By Mr. Shakespeare:

Assembly Joint Resolution No. 19—Relative to thanking the representatives of the Pacific coast for their prompt action and votes upon the House Bill to prohibit Chinese Immigration.

Bill read first time. On motion of Mr. Shakespeare, the rules were suspended, resolution read second time by title, rules further suspended, joint resolution considered engrossed, and read third time.

Joint Resolution No. 19 amended by special committees, and passed as amended by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—47.

NAYS—None.

Absent—Messrs. Ferguson, and Robinson.

By Mr. Mayhugh:

Assembly Joint Resolution No. 20—Relative to the manner of electing United States Senators.

Bill read first time. On motion of Mr. Mayhugh, the rules were suspended, resolution read second time by title, rules further suspended, joint resolution considered engrossed, read third time, and referred to the Committee on Federal Relations for amendments, with instructions to report the resolution back to the House on the morning of the eighteenth instant.

On motion of Mr. Shakespeare, at 12:2 o'clock p. m. the House took a recess for one hour.

## HOUSE IN SESSION.

1:2 o'clock P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## SPECIAL ORDER.

Assembly Bill No. 79—An Act to authorize the formation of corporations, provide the members thereof with homesteads, or parcels of land, suitable for homesteads.

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

YEAS—Messrs. Crawford, Eldred, Foulks, Fraser, Ferguson, Gibson, Hanna, Howe, Kennedy, Lawson, Mayhugh, Morrison, Paton, Powell, Price, Shakespeare, Sharp, Smith, of Eureka, Taylor, and Wermuth—20.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Fisk, Flannery, Fulton, Green, Hagar, Harlow, Irvine, Lamb, Lane Lyons, of Storey, Lyon, of White Pine, Melarkey, Plummer, Prisk, Smith of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—26.

Absent—Messrs. Davies, Robinson, and Underwood.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., February 14, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to return to your Honorable Body Assembly Bill No. 14, entitled An Act supplemental to an Act entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873, and providing for the admission to said Home of certain children, in addition to the orphans and half orphans named in said Act, which passed the Senate, February 12, 1879. Yeas, 15; nays, 7.

I also transmit for your consideration Senate Bill No. 80—An Act to authorize and empower aliens and non-resident persons and corporations to take, hold, enjoy, and acquire real estate in the State of Nevada, which passed the Senate this day. Yeas, 21; nays, 2.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

SENATE CHAMBER,  
CARSON CITY, NEV., February 14, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body Substitute for Senate Bill No. 10, entitled "An Act to authorize the construction of a Court House in Eureka County, and to provide the means therefor," which passed the Senate this day. Yeas, 23; nays, 0.

I have also the honor to inform your Honorable Body that the Assembly Amendments to Senate Bill No. 43—"An Act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk," were this day concurred in by the Senate. Yeas, 20; nays, 3.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

SENATE CHAMBER,  
CARSON CITY, February 14, 1879. }

*To th Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body Assembly Concurrent Resolution No. 25<sup>a</sup>—Relative to the passage of the Anti-Chinese Bill, which was this day unanimously adopted by the Senate.

Also, Senate Bill No. 118, entitled "An Act to admit to probate a certain paper purporting to be the last will and testament of John Larcombe, deceased, which passed the Senate this day. Yeas, 31; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

#### NOTICES OF BILLS.

Mr. Mayhugh gave notice that he would on to-morrow, or some future day, ask leave to introduce a bill entitled "An Act to regulate the rates of freight and fare on all railroads within this State, and other matters appertaining to the operation and maintenance of the same.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Smith (of Eureka), from the Committee on Claims, introduced Assembly Bill No. 103—An Act to appropriate money for the payment of certain claims against the State of Nevada.

Bill read first time, rules were suspended, read second time by title, considered engrossed, and referred to the Committee of the Whole.

Mr. Allen (of Storey), by leave, introduced the following resolution:

*Resolved*, That after this date this Assembly will meet at 10:30 o'clock instead of 10 o'clock, as at present.

Laid over under the rules.

Mr. Mayhugh, by leave, introduced Assembly Bill No. 104—An Act to provide for the election of a Warden for the State Prison.

Bill read first time, rules were suspended, read second time by title, and referred to the Committee on State Institutions.

Senate Bill No. 80—An Act to authorize and empower aliens and non-resident persons or corporations to take, hold, enjoy, and acquire real estate in the State of Nevada.

Bill read first time.

Senate Concurrent Resolution No. 25—Relative to the passage of the Anti-Chinese bill.

Mr. Allen (of Lincoln) moved to lay the resolution on the table temporarily.

Motion lost.

On motion of Mr. Mayhugh, Senate Concurrent Resolution No. 25, was unanimously adopted.

Senate Bill No. 118—An Act to admit to probate a certain paper purporting to be the last will and testament of John Larkin, deceased.

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

Substitute for Senate Bill No. 10—An Act to authorize the construction of a court-house in Eureka County, and to provide the means therefor.

Bill read first time, rules suspended, read second time by title, and referred to the Eureka County Delegation.

Mr. Price, by leave, introduced Assembly Bill No. 105—An Act in relation to special taxes.

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

#### GENERAL FILE.

Senate Bill No. 95—An Act to provide for the payment of certain indebtedness accrued and to accrue of White Pine County.

Bill read third time and passed by the following vote:

YEAS—MESSRS. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wernuth, Williams, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Allen, of Storey, Davies, Hagar, Plummer, Robinson, Smith, of Eureka, and Underwood.

Senate Bill No. 85—An Act to provide for the erection of guide-boards on public roads and highways.

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

YEAS—MESSRS. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wernuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—Mr. Powell—1.

Absent—Messrs. Davies, Hagar, Plummer, Robinson, and Underwood.

Assembly Bill No. 25—An Act to restrict gaming, and to repeal all other Acts in relation thereto.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Crawford, Fraser, Lane, Lyon, of White Pine, Melarkey, Paton, Powell, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Wermuth, Williams, and Wilson.—18.

NAYS—Messrs. Allen, of Storey, Beard, Eldred, Fisk, Flannery, Foulks, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Mayhugh, Morrison, Price, Prisk, Shakespeare, Smith, of Lyon, Vansickle, and Mr. Speaker—26.

Absent—Messrs. Davies, Hagar, Plummer, Robinson, and Underwood.

Mr. Mayhugh gave notice that on the eighteenth inst., he would move for a reconsideration of the vote by which Assembly Bill No. 25 failed to pass the House.

Assembly Bill No. 4—An Act supplementary to an Act entitled "An Act to provide for the selection of land that has been, or may hereafter be granted by the United States to the State of Nevada," approved March 5, 1873.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Payton, Plummer, Powell, Price, Prisk, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—44.

NAYS—None.

Absent—Messrs. Davies, Hagar, Robinson, Shakespeare and Underwood.

Assembly Bill No. 70—An Act to abolish the office of County Superintendent of Public Schools.

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

NAYS—Messrs. Allen, of Lincoln, Andrews, Flannery, Fraser, Fulton, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Payton, Prisk, Smith, of Lyon, Smith, of Storey, Taylor, Vansickle, Williams, Wilson, and Mr. Speaker—28.

NAYS—Messrs. Beard, Crawford, Eldred, Fisk, Foulks, Ferguson, Hagar, Lyon, of White Pine, Plummer, Powell, Price, Sharp, Smith, of Eureka, Smyth, of Lander, Watt and Wermuth—16.

Absent—Messrs. Davies, Allen, of Storey, Robinson, Shakespeare and Underwood.

Assembly Bill No. 72—An Act for the relief of L. Morris & Co., S. C. Wright, John P. Meder and Western Union Telegraph Co.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—44.

NAYS—None.

Absent—Messrs. Allen, of Storey, Davies, Plummer, Robinson and Underwood.

Assembly Bill No. 73—An Act in relation to the burial of the dead in incorporated cities in the State of Nevada.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Morrison, Paton, Powell, Price, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Wermuth, Wilson, and Mr. Speaker—31.

NAYS—Messrs. Allen, of Storey, Beard, Crawford, Eldred, Fisk, Hagar, Hanna, Harlow, Lyons, of Storey, Melarkey, Shakespeare, Smith, of Lyon, Watt and Williams—14.

Absent—Messrs. Davies, Plummer, Robinson, and Underwood.

Mr. Wermuth, at 3:40 P. M., moved to adjourn.

Motion lost.

Assembly Bill No. 2—An Act to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other acts in relation thereto," approved March 2, 1875.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Davies, Plummer, Robinson and Underwood.

Assembly Bill No. 8—An Act to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other Acts in relation thereto."

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melar-

key, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—43.

NAYS—Mr. Smith, of Lyon—1.

Absent—Messrs. Davies, Plummer, Robinson, Underwood and Wermuth.

Assembly Bill No. 98—An Act to amend Section 220 of an Act 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,” approved March 8, 1869.

Ordered engrossed.

Assembly Bill No. 65—An Act to amend an Act 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,” approved March 8, 1869.

On motion of Mr. Allen (of Storey), indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Powell, Prisk, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Vansickle, Williams, and Wilson—33.

NAYS—Messrs. Allen, of Storey, Hanna, Mayhugh, Paton, Price, Sharp, Smyth, of Lander, Watt, and Mr. Speaker—9.

Absent—Messrs. Davies, Foulks, Kennedy, Plummer, Robinson, Underwood and Wermuth.

Mr. Lane, at four o'clock P. M., moved to adjourn.

Motion carried.

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of the Assembly.

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#### FORTY-FOURTH DAY.

CARSON CITY, Tuesday, February 18, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Absent—Messrs. Davies, Eldred and Robinson.

Prayer by the Rev. Mr. McClain.

Journal of the forty-third day read, corrected and approved.

Mr. Ferguson asked leave of absence for Mr. Eldred for one day. Granted.

On motion of Mr. Allen (of Lincoln), the House resolved itself into the Committee of the Whole, for the consideration of bills referred to said committee, with Mr. Speaker in the chair.

In time, the Committee arose and reported back to the House Assembly Bill No. 34—An Act to create the office of Official Reporter of District Courts, with the recommendation that it do not pass.

Also, the Resolution relative to granting Jerry Schooling \$219.68 for copying the State Treasurer's Report for the years 1877 and 1878, and recommend its indefinite postponement.

Also, Senate Bill No. 86—An Act to provide for certain Legislative expenses, with the recommendation that it do pass.

Also, Assembly Bill No. 80—An Act to amend an Act entitled "An Act concerning District Attorneys, approved March 11, 1865, approved February 26, 1866, approved March 11, 1867, approved February 17, 1873, approved March 5, 1877," made amendments thereto, and recommended that it be laid on the table pending the consideration of Senate Bill No. 82, relative to regulating fees in office.

Also, Assembly Bill No. 59—An Act to provide a residence for the Governor of the State of Nevada, with the recommendation that it do not pass.

Also, Assembly Bill No. 57—An Act to establish a State Printing Office, and to create the office of Superintendent of State Printing, and recommend that it be made the special order for the nineteenth inst, at 12 m.

Also, Assembly Bill No. 99—An Act to appropriate money for the payment of certain claims against the State of Nevada, and recommend that it do pass.

Also, Assembly Bill No. 92—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, approved March 11, 1867, approved approved March 3, 1869, approved March 4, 1871, approved February 20, 1873, approved February 20, 1877," with the recommendation that it be laid on the table temporarily.

Also, Senate Bill No 84—An Act to authorize the payment of the claims of Eugene Blair and James Brown for certain services rendered this State, with the recommendation that it do not pass.

## HOUSE IN SESSION.

Mr. Speaker in the chair.

On motion of Mr. Vansickle, the report of the Committee of the Whole was adopted.

On motion of Mr. Lyons (of Storey), at 11:55 A. M. the House took a recess until one o'clock P. M.

## HOUSE IN SESSION.

At 1 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Enrollment have carefully compared Assembly Bills Nos. 9, 45 and 51, and have found the same correctly enrolled, and have this eighteenth day of February, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment hereby report that they have compared Assembly Bills Nos. 40, 66, 71, 90, 75, 91, 69, and 100 with the engrossed copies thereof, and find them correctly engrossed.

J. C. HARLAND, Chairman.

Mr. Taylor asked leave of absence for the remainder of the day.

Granted.

Mr. Mayhugh asked leave of absence for the Joint Committee on the part of the House to visit the State Prison for the remainder of the day.

Granted.

Mr. Prisk asked leave of absence for the remainder of the day.

Granted.

Mr. Howe moved that Assembly Bills Nos. 60 and 61, be made the special order for the nineteenth instant, at 11 o'clock A. M.

Agreed to.

*Mr. Speaker:*

Your Committee on Corporations and Railroads, to whom was referred Assembly Bill No. 97—"An Act to secure safety to human life in the use of steam in transportation and otherwise," have had the same under consideration, have made an amendment thereto, and recommend its passage as amended.

J. P. SMITH, Chairman.

*Mr. Speaker:*

Your Committee on Federal Relations, to which was referred "Concurrent Resolution No. 16, in relation to amendments to the Constitution of the State of Nevada;" have had the same under consideration. We beg leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Joint Resolution No. 20, "Relative to the manner of electing United States Senators," and have made some amendments thereto, and recommend its passage as amended. Amendments herewith provided.

S. M. BEARD, Chairman.

## REPORTS OF SELECT COMMITTEES.

*Mr. Speaker :*

The Eureka delegation to whom was referred substitute for Senate Bill No. 10—An Act to authorize the construction of a Court House in Eureka; have had the same under consideration, and recommend that it do pass.

## EUREKA DELEGATION.

*Mr. Speaker:*

Your Special Committee, consisting of the Virginia portion of the Storey County delegation, to whom were referred Assembly Bill No. 87, relative to a claim of one William Cook against the City of Virginia, and also Assembly Bill No. 88, relating to a claim of one John Brickell against the same city, respectfully report that they have had the same claims under consideration, and have come to the following conclusions:

First. That said bill, if there were to become statutes, would revive the obligation of contracts which now either sleeping or dead, and would thus violate in spirit, if not in letter, the Constitution of the State.

Second. That they interfere specially between certain persons and a corporate body organized under a law of this State, and are therefore expressly forbidden by the Constitution.

Third. That they cover matters of private business, with which the Legislature has no right to interfere.

Your Committee, therefore, respectfully report the said bills back to the House, and recommend that they do not pass.

THOMAS LANE,  
H. A. GASTON,  
DANIEL LYONS,  
J. L. HANNA,  
J. C. HARLOW,  
S. W. POWELL,  
J. P. SMITH.

*Mr. Speaker :*

I beg leave to submit the following minority report, as a member of the Virginia City portion of the Storey County Delegation, in reference to the bill referred to said delegation, known as the "Cook Claim," and I wish here to recommend its passage, notwithstanding the majority report to the contrary, for the following reasons:

First. When said bill was so referred, the delegation met for the purpose of inquiring into the validity of said claim. Hon. B. C. Whitman came before said committee, and presented proofs as to its genuineness, and challenged contradiction by any person present, of the truth of what he stated, even going so far as to invite any and all the members of said committee present, to ask any questions they had; or to state any objections there was to the passage of the bill, that he might answer them. Not a member of the committee offered, or even suggested an objection the passage of the bill or its validity, but on said committee reassembling, one of the Hon. members of that committee, had prepared, and read to the committee, a garbled state of facts, uncorroborated in any particular, and one which he dared not produce in the presence of gentlemen who could have refuted the whole statement, and upon

the completion of the reading of said statement, no opportunity was even allowed to any other member of the committee to respond, all of which, to the minds of your committee in the minority, was unjust, unfair and unbecoming a deliberative body.

Your committee further asks of this Hon. Assembly, the privilege denied him before said committee, that is, to have read the proofs before this Hon. House, submitted before said committee, that each member may vote understandingly on the adoption of either the majority or minority report.

J. E. ALLEN.

Mr. Smith (of Storey) moved to adopt the majority report of the Select Committee on Assembly Bills Nos. 87 and 88.

Mr. Powell moved that Assembly Bill No. 87 be re-referred back to the Virginia City portion of the Storey County Delegation.

Messrs. Plummer, Lyons (of Storey) and Mr. Green, moved the previous question.

Motion for the previous question carried.

The question being on the motion made by Mr. Powell to re-refer Assembly Bill No. 87 back to the Select Committee was lost, and the motion of Mr. Smith (of Storey), to adopt the majority report of committee, was agreed to.

SENATE CHAMBER, }  
CARSON CITY, NEV. February 17, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 108, entitled an act to prevent the propagation and spread of contagious diseases, which passed the Senate this day: Yeas, 21; nays, 2.

Also, Senate Bill No. 109—An Act to prohibit the State Controller from issuing his warrant in certain cases, which passed the Senate this day: Yeas, 23; nays, none.

I also return to your Honorable Body, Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians, which was this day amended by the Senate, and passed as amended: Yeas, 22; nays, 1.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

#### SECOND READING OF BILLS.

Senate Bill No. 80—An Act to authorize and empower aliens and non-resident persons or corporations to take, hold, enjoy and acquire real estate in the State of Nevada.

Bill read second time.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Paton, by leave, introduced Assembly Bill No. 106—An Act to amend section one of 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 9, 1865; approved March 2, 1867.

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

Senate Bill No. 109—An Act to prohibit the State Controller from issuing his warrant in certain cases.

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

Senate Bill No. 108—An Act to prevent the propagation and spread of contagious diseases.

Bill read first time, rules suspended, read second time by title, and placed on the general file.

#### GENERAL FILE.

The House concurred in Senate amendments to Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Paton, Plummer, Powell, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—38.

NAYS—Mr. Gibson—1.

Absent—Messrs. Davies, Eldred, Mayhugh, Morrison, Price, Prisk, Robinson, Sharp, Taylor, and Underwood.

Assembly Bill No. 82—An Act for the relief of J. F. Abel.

Bill read third time, and on motion of Mr. Melarkey was laid on the table temporarily.

Assembly Bill No. 34—An Act to create the office of Official Reporter of District Courts, was, on motion of Mr. Fisk, indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Melarkey, Paton, Plummer, Price, Smith, of Eureka, Smith, of Storey, Smyth of Lander, Vansickle, Watt, Wermuth, Williams, and Wilson—30.

NAYS—Messrs. Crawford, Foulks, Harlow, Howe, Lyon, of White Pine, Powell, Shakespeare, Smith, of Lyon and Mr. Speaker—9.

Absent—Messrs. Allen, of Storey, Davies, Eldred, Mayhugh, Morrison, Prisk, Robinson, Sharp, Taylor, and Underwood.

Senate Bill No. 84—An Act to authorize the payment of the claims of Eugene Blair and James Brown for certain services rendered the State.

Bill read third time, and laid on the table until the nineteenth inst.

Senate Bill No. 86—An Act to provide for certain legislative expenses.

Bill read third time, and passed on the file.

Assembly Bill No. 40—An Act to amend section 128 of an Act 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, approved March 8, 1869.

Bill read third time, amended by the appointment of special committee, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Melarkey, Paton, Plummer, Powell, Price, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—38.

NAYS—None.

Absent—Messrs. Davies, Eldred, Gibson, Kennedy, Lyon, of White Pine, Mayhugh, Morrison, Prisk, Robinson, Sharp, and Taylor.

Mr. Allen (of Storey), by leave, moved to take up the resolution offered by him on the seventeenth inst., relative to changing the hour of meeting of the Assembly to 10:30 A. M.

Agreed to.

Mr. Allen (of Storey) moved the adoption of the resolution.

Carried.

Assembly Bill No. 75—An Act to prevent breaches of the peace, and to make words actionable in certain cases.

Passed on file.

Mr. Allen (of Storey), in accordance with previous notice, moved to reconsider the vote by which Assembly Bill No. 25—An Act to restrict gaming, and to repeal all other Acts in relation thereto, was lost.

Carried.

Mr. Allen (of Lincoln) moved that Assembly Bill No. 25, be made the special order for the twenty-fourth instant, at one P. M.

Carried.

Assembly Bill No. 90—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.

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

YEAS — Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Paton, Plummer, Powell, Price, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—38.

NAYS—Mr. Beard—1.

Absent—Messrs. Crawford, Davies, Eldred, Kennedy, Mayhugh, Morrison, Prisk, Robinson, Sharp, and Taylor.

Mr. Howe asked leave of absence for the remainder of the afternoon.  
Granted.

Assembly Bill No. 71—An Act to provide a supply of water for the capitol, and for State Orphans' Home.

Passed on file.

Mr. Smith (of Eureka), at 2:31 P. M., moved to adjourn.

Carried.

Approved:

H. A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

## FORTY-FIFTH DAY.

CARSON CITY, February 19, 1879.

The House met at 18:30 A. M.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Robinson and Underwood.

Prayer by the Rev. Mr. McClain.

Journal of the forty-fourth day read and approved.

Mr. Morrison asked leave of absence for one day for Mr. Underwood.  
Granted.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Contingent Expenses and Accounts have had under consideration certain bills presented by the Sergeant-at-Arms of the Assembly against the State of Nevada, to wit:

Feb. 18.	To Nevada Mill and Building Co.....	\$ 31 26
“ “	To P. A. Wagner & Co. ....	19 38
“ “	To Carson City Coal Gas Co.....	109 30
	Total .....	\$159 93

Having examined the merits of the above bills, report them correct, and recommend the adoption of the accompanying resolution, providing for their payment:

*Resolved*, That the Controller of State be and is hereby authorized to draw his warrant in favor of C. H. Stoddard, Sergeant-at-Arms of the

Assembly, for the sume of one hundred and fifty-nine dollars and ninety-three cents, the same to be paid from the Legislative Fund.

H. VANSICKLE, Chairman.

The report was adopted.

*Mr. Speaker:*

Your Committee on Enrollment have carefully compared Assembly Bill No. 14—"An Act supplementary to an Act for the government and maintenance of the State Orphans' Home," and have found the same correctly enrolled, and have this nineteenth day of February, 1879, handed the same to the Governor for his approval.

Also, have carefully compared Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians, and have found the same correctly enrolled, and have, this nineteenth day of February, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment beg leave to report that they have compared Assembly Bills Nos. 98 and 103, with the engrossed copies thereof, and find them correctly engrossed.

We have also compared Assembly Bill No. 78, and find that the amendments thereto are so indefinite, that we recommend it to be referred back to the committee for revision.

J. C. HARLOW, Chairman.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Harlow, Assembly Bill No. 78 was re-referred to the Committee on State Prison for revision.

Agreed to.

By Mr. Melarkey:

*Resolved*, That all bills hereafter introduced in this House regarding freights and fares on railroads, shall be referred to the Committee of the Whole, and no motion shall be entertained by the Speaker for any other reference.

Adopted.

#### REPORT OF COMMITTEE ON WAYS AND MEANS.

*Mr. Speaker:*

Your Committee on Ways and Means, to whom was referred Assembly Bill No. 106, entitled "An Act to amend Section 1 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 March 2, 1867, beg leave to report favorably on the same, and recommend its passage.

Also, Assembly Bill No. 96, entitled "An Act to amend an Act en-

titled 'An Act to provide revenue for the support of the Government of the State of Nevada,' " approved March 9, 1865; beg leave to report favorably on the same, and recommend its passage.

J. P. FOULKS, Chairman.

On motion of Mr. Howe the House resolved itself into the Committee of the Whole for the consideration of Assembly Bills Nos. 60 and 61.

Speaker *pro tem.* in the chair.

In time the committee arose, and reported back Assembly Bill No. 60—An Act to create a State Board of Examination, with the recommendation that it be engrossed as amended.

Also, Assembly Bill No. 61—An Act to amend an Act entitled "An Act to provide for the maintenance and supervision of the Public Schools," approved March 20, 1865; and amended by Acts approved March 8, 1867; approved March 5, 1869; approved March 7, 1873; approved March 5, 1877; made amendments thereto, and without recommendation.

## HOUSE IN SESSION.

Mr. Speaker in the chair.

On motion of Mr. Fisk, the report of Committee of the Whole, including the amendments, was adopted.

On motion of Mr. Shakespeare, at twelve m., the House took a recess for one hour.

## HOUSE IN SESSION.

At one o'clock p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., February 18, 1879. }

*To the Honorable Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 99, entitled "An Act to amend an Act entitled 'An Act to provide for the maintenance and supervision of Public Schools,' " approved March 20, 1865, which passed the Senate this day: Yeas, 16; nays, 4.

Also, Senate Bill No. 67—An Act to amend an Act entitled "An Act to admit to probate a certain paper, purporting to be the last will and testament of Thomas Sheehan," approved February 26, 1877, which passed the Senate this day: Yeas, 19; nays, 0.

Also, Senate Bill No. 92—An Act to amend an Act entitled "An Act amendatory of and supplemental to an Act concerning crimes and punishments," approved November 26, 1861, and all Acts amendatory of

and supplemental thereto, approved March 7, 1873, which passed the Senate this day: Yeas, 18; nays, 0.

Also, return to your Honorable Body, Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to provide for the maintenance and supervision of Public Schools," approved March 20, 1865; approved March 8, 1867; approved March 5, 1869; approved March 7, 1873; approved March 5, 1877, which was amended by the Senate, and passed this day: Yeas, 19; nays, 0.

Also, Senate Bill No. 102—An Act granting certain powers to the Board of Directors of the State Orphans' Home, which passed the Senate this day: Yeas, 20; nays, 0.

Also, Senate Bill No. 65—An Act to amend an Act entitled "An Act to re-district the State of Nevada," approved March 5, 1877, which passed the Senate this day: Yeas, 19; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Mr. Harlow moved that Assembly Bill No. 57—An Act to establish a State Printing Office, and to create the office of Superintendent of State Printing, be made the special order for the twentieth inst. at 11 A. M.

Agreed to.

Mr. Sharp asked leave of absence for Mr. Crawford for the remainder of the day.

Granted.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Vansickle, by leave, introduced Assembly Bill No. 107—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, approved March 11, 1867, approved March 4, 1871, approved February 20, 1873, approved February 20, 1877.

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

Mr. Smith, by leave, introduced Assembly Bill No. 108—An Act to discontinue litigation touching inequitable claims for taxes and penalties.

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

Mr. Allen (of Lincoln), by leave, introduced Assembly Bill No. 109—An Act to amend sections one and two of an Act entitled "An Act to create a current expense fund for Lincoln County," which became a law March 14, 1877.

Bill read first time, rules suspended, read second time by title, and referred to the Lincoln County Delegation, and ordered printed.

Mr. Allen (of Lincoln), by leave, introduced Assembly Bill No. 110—An Act authorizing the Board of County Commissioners of Lincoln County to contract a temporary loan.

Bill read first time, rules suspended, read second time by title, and referred to the Lincoln County Delegation, and ordered printed.

Mr. Smith (of Eureka), by leave, introduced Assembly Bill No. 111—An Act amendatory of and supplementary to an Act entitled "An Act to regulate the sale or disposal of opium, and to prohibit the keeping of

places of resort for smoking, or otherwise using that drug," approved February 9, 1877.

Bill read first time, rules suspended, read second time by title, and referred to the Judiciary Committee, and ordered printed.

Mr. Smith (of Lyon), by leave, introduced Assembly Bill No. 112—An Act to regulate freights and fares on all railroads in this State.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Committee of the Whole.

Mr. Ferguson, by leave, introduced Assembly Bill No. 113—An Act to abolish gaming.

Bill read first time, and indefinitely postponed, on motion of Mr. Hagar, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Irvine, Lane, Lyon, of White Pine, Paton, Plummer, Powell, Sharp, Smith of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Wermuth, Wilson, and Mr. Speaker—29.

NAYS—Messrs. Beard, Ferguson, Harlow, Howe, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Morrison, Price, Prisk, Shakespeare, Smith, of Lyon, and Vansickle—15.

Absent—Messrs. Crawford, Mayhugh, Robinson, Underwood, and Williams.

Mr. Beard, by leave, introduced Assembly Bill 114—An Act to prevent fraud in the manufacture or sale of all articles of jewelry purporting to be manufactured from, or composed of, precious metals, viz: gold and silver.

Bill read first time, rules suspended, read second time by title, and ordered printed, and referred to the Committee on Trades and Manufactures.

Senate Bill No. 67—An Act to amend an Act entitled "An Act to admit to probate a certain paper purporting to be the last will and testament of Thomas Sheehan," approved Feb. 26, 1877.

Bill read first time.

Senate Bill No. 92—An Act to amend an Act entitled "An Act amendatory of and supplemental to an Act concerning crime and punishments," approved Nov. 26, 1861, and all acts amendatory of and supplemental thereto, approved March 7, 1873.

Bill read first time.

Senate Bill No. 65—An Act to amend an Act entitled "An Act to re-district the State of Nevada," approved March 5, 1877.

Bill read first time.

Senate Bill No. 102—An Act granting certain powers to the Board of Directors of the State Orphans' Home.

Bill read first time.

Senate Bill No. 99—An Act to amend an Act, entitled "An Act to provide for the maintenance and supervision of Public Schools," approved March 20, 1865.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Education.

Mr. Williams, by leave, introduced Assembly Bill No. 115—An Act to amend an Act, entitled "An Act to create a current expense fund for

Nye County," which became a law without the approval of the Governor, March 2, 1877.

Bill read first time, rules suspended, read second time by title, and referred to the Nye County Delegation.

#### GENERAL FILE.

Assembly Bill No. 100—An Act to authorize the County Commissioners of Eureka County to pay certain claims.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of Storey, Lyons, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Wermuth, Williams, Wilson, and Mr. Speaker—40.

NAYS—None.

Absent—Messrs. Crawford, Davies, Hagar, Powell, Plummer, Price, Robinson, Underwood, and Watt.

Assembly Bill No. 66—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.

Laid temporarily on the table.

Assembly Bill No. 69—An Act to prohibit the collection of accounts for liquors sold at retail.

Bill read third time and lost by the following vote:

YEAS—Messrs. Allen, of Storey, Beard, Davies, Eldred, Fraser, Ferguson, Gibson, Hanna, Howe, Kennedy, Lamb, Lawson, Mayhugh, Melarkey, Smith, of Storey, Vansickle, and Mr. Speaker—17.

NAYS—Messrs. Allen, of Lincoln, Andrews, Fisk, Flannery, Foulks, Fulton, Green, Harlow, Irvine, Lane, Lyons, of Storey, Lyon, of White Pine, Morrison, Paton, Powell, Prisk, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Watt, Wermuth, Williams, and Wilson—24.

Absent—Messrs. Crawford, Hagar, Plummer, Price, Robinson, Shakespeare, Taylor, and Underwood.

Assembly Bill No. 91—An Act to pay the claim of H. Knight, Assessor of Eureka County.

Referred to the Committee of the Whole.

Assembly Bill No. 75—An Act to prevent breaches of the peace, and to make words actionable in certain cases.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey,

Morrison, Paton, Powell, Price, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wermuth, Wilson and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Crawford, Hagar, Plummer, Prisk, Robinson, Taylor, Underwood, and Williams.

Assembly Bill No. 71—An Act to provide a supply of water for the Capitol and the State Orphans' Home.

Bill referred to the Committee of the Whole.

Assembly Bill No. 84—An Act to authorize the payment of the claims of Eugene Blair and James Brown for certain services rendered the State.

Bill having already been read a third time, was again taken up, and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Davies, Fisk, Fraser, Lane, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Price, Sharp, Smith, of Eureka, Smyth, of Lander, Wermuth, and Wilson—15.

NAYS—Messrs. Allen, of Storey, Beard, Eldred, Flannery, Foulks, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Morrison, Powell, Prisk, Shakespeare, Smith, of Lyon, Smith, of Storey, Vansickle, Watt, and Mr. Speaker—26.

Absent—Messrs. Andrews, Crawford, Howe, Plummer, Robinson, Taylor, Underwood, and Williams.

Substitute for Senate Bill No. 10—An Act to authorize the construction of a Court house in Eureka County, and to provide the means therefor.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Crawford, Howe, Plummer, Robinson, Underwood and Williams.

Senate Bill No. 80—An Act to authorize and empower aliens and non-resident persons or corporations to take, hold, enjoy and acquire real estate in the State of Nevada.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison,

Payton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—42.

NAYS—Mr. Melarkey—1.

Absent—Messrs. Crawford, Howe, Plummer, Robinson, Underwood and Williams.

The House concurred in Senate amendments to Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to provide for the maintenance and supervision of Public Schools," approved March 20, 1865; approved March 8, 1867; approved March 5, 1869; approved March 7, 1873; approved March 5, 1877, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Crawford, Harlow, Lyons, of Storey, Robinson, Underwood and Williams.

Assembly Bill No. 98—An Act to amend Section 220 of an Act 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," approved March 8, 1869.

Bill read third time, amended by Special Committee, and passed as amended by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—44.

NAYS—None.

Absent—Messrs. Crawford, Hagar, Robinson, Underwood and Williams.

Assembly Bill No. 106—An Act to amend Section 1 of 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 9, 1865; approved March 2, 1867.

Considered engrossed.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Flannery, Fulton, Gibson, Green, Hanna, Harlow, Lane, Lawson, Lyons, of Storey, Paton, Prisk, Shakespeare, Smith, of Storey, Smyth, of Lander, Taylor, Wermuth, Wilson, and Mr. Speaker—21.

NAYS—Messrs. Beard, Davies, Eldred, Fisk, Foulks, Fraser, Ferguson, Hagar, Howe, Irvine, Kennedy, Lamb, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Smith, of Eureka, Smith, of Lyon, Vansickle, Watt—24.

Absent—Messrs. Crawford, Sharp, Underwood and Williams.

On motion of Mr. Howe, Assembly Bill No. 61 was re-referred to the Committee on Education, for the purpose of reporting a substitute for said bill.

Mr. Foulks gave notice that on the twentieth instant, he would move for a reconsideration of the vote by which Assembly Bill No. 106 failed to pass the House.

Assembly Bill No. 96—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.

Considered engrossed.

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

YEAS—Messrs. Allen, of Lincoln, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Green, Hanna, Irvine, Lane, Lawson, Lyons, of Storey, Mayhugh, Paton, Powell, Prisk, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Wermuth, Wilson, and Mr. Speaker—25.

NAYS—Messrs. Allen, of Storey, Beard, Ferguson, Gibson, Hagar, Harlow, Howe, Kennedy, Lamb, Lyon, of White Pine, Melarkey, Morrison, Plummer, Price, Shakespeare, Sharp, Smith, of Eureka, Vansickle, Watt—19.

Absent—Messrs. Andrews, Crawford, Robinson, Underwood and Williams.

Mr. Plummer, at 3:35 p. m., moved to adjourn.

Motion lost.

Senate Bill No. 108—An Act to prevent the propagation and spread of contagious diseases.

Bill read third time.

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Davies, Eldred, Fisk, Fraser, Fulton, Ferguson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—40.

NAYS—None.

Absent—Messrs. Crawford, Flannery, Foulks, Gibson, Lyon, of

Storey, Plummer, Robinson, Underwood and Williams.

Mr. Allen (of Storey) gave notice that he would, on the twentieth instant, move for a reconsideration of the vote by which Assembly Bill No. 96 was lost.

Mr. Hagar moved, at 3:45 p. m., to adjourn.

Motion carried.

Approved:

H. A. GASTON,

Speaker of Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of Assembly.

## FORTY-SIXTH DAY.

CARSON CITY, February 20, 1879.

The House met at 10:30 A. M.

Mr. Speaker in the chair.

Roll called.

Absent—Mr. Underwood.

Prayer by the Rev. Mr. McClain.

Journal of the forty-fifth day read and approved.

### PETITIONS.

Mr. Speaker presented a petition from the citizens of Storey County, praying the Legislature to pass Assembly Bill No. 101—An Act to regulate the price of water in certain cases, and to enforce the same, or some other bill, that will grant them relief from the rates now paid for water in said County.

Referred to the Storey County Delegation.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on State Prison, to whom was referred Assembly Bill No. 78, entitled "An Act amendatory of and supplementary to an Act entitled 'An Act to provide for the government of the State Prison of the State of Nevada,'" approved March 7, 1873; have had the same under consideration, have amended the same, and beg leave to report favorably, with the recommendation that it do pass as amended.

A. MORRISON, Chairman.

*Mr. Speaker:*

Your Committee on Ways and Means, in conjunction with the Washoe Delegation, to whom was referred Assembly Bill No. 89, entitled

"An Act relating to the flow of water in the Truckee River," have had the same under consideration, and after due consultation with the Attorney-General, Surveyor-general and the Washoe Delegation, beg leave to report favorably on the same, and recommend its passage.

J. P. FOULKES, Chairman.  
J. P. FOULKES,  
W. E. PRICE,  
E. N. UNDERWOOD,  
Washoe Delegation.

#### REPORTS OF SELECT COMMITTEES.

*Mr. Speaker :*

The bill introduced by Mr. Williams, to create a Current Expense Fund, having been referred to the Nye County Delegation for consideration, the committee, having considered the same, report it back favorably, and recommend its passage.

W. B. TAYLOR,  
JOS. T. WILLIAMS.

Mr. Williams moved that a committee of three be appointed to wait on the Chairman of the Joint Committee of Fourteen, and procure from him the bill agreed upon by the said committee to regulate fares and freights, and present the same to the Assembly for immediate action.

Carried.

Mr. Speaker appointed Messrs. Williams, Foulks and Plummer as such committee.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
CARSON CITY, NEVADA, February 19, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bills as follows:

No. 9—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the preservation of Fish in the waters of this State," approved March 5, 1877.

No. 45—"An Act to prevent persons passing through inclosures and leaving them open by tearing down fences or otherwise, and domestic animals from being shot by persons while hunting on inclosed premises, and providing for the payment for such injuries so done."

No. 51—An Act entitled "An Act to make it unlawful for the owner or owners of swine, goat or goats, to allow them to run at large during a certain period of each year, from and after the approval of this act.

JOHN H. KINKEAD,  
Governor.

EXECUTIVE DEPARTMENT,  
CARSON CITY, February 19, 1879. }

*To the Honorable the Assembly:*

I herewith transmit copy of a letter received this morning from Major-general Irwin McDowell, in response to a request of the Legislature of this State, asking that a company of United States Cavalry be stationed at Duck creek, Elko County, during the coming spring and summer.

JOHN H. KINKEAD,  
Governor.

HEAD-QUARTERS MILITARY, DIVISION OF THE PACIFIC, }  
DEPARTMENT OF CALIFORNIA, }

*His Excellency, John H. Kinkead, Governor of Nevada, Carson City,  
Nevada:*

Sir—I have the honor to acknowledge the receipt of your letter of the twelfth instant, transmitting me, in compliance with request of the Legislature of the State of Nevada, a copy of a Joint Resolution of that body, passed on the tenth instant, requesting the stationing of a company of cavalry at Duck Valley, Elko County, Nevada, during the coming spring and summer, for the protection of settlers in that section. In reply I have to state that the request of the Legislature will receive all the consideration which the nature and extent of the military service in this division, and the force of cavalry under my command, will admit.

IRWIN McDOWELL,  
Major-General,  
Commanding Division and Department.

#### SPECIAL ORDER.

Assembly Bill No. 57—An Act to establish a State Printing Office, and to create the office of Superintendent of State Printing.

Amended, ordered engrossed, and made the special order for Monday, the twenty-fourth instant, at 11 o'clock A. M.

#### MOTIONS AND RESOLUTIONS.

Mr. Allen (of Storey) moved to reconsider the vote by which Assembly Bill No. 96—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, failed to pass the House.

Agreed to.

By Mr. Melarkey:

Assembly Concurrent Resolution No 21—Relative to instructing the Joint Committee of fourteen, to report all bills referred to said committee on the morning of the twenty-first instant.

Mr. Davies presented a substitute for Concurrent Resolution No. 21, to the effect that the committee of fourteen be instructed to report finally

on Fares and Freights on the twenty-fifth instant, and that the consideration of such matters be made the special order of Tuesday, the twenty-fifth instant, at 1 o'clock P. M., and that it take precedence of all other matters, including evening sessions.

Substitute ruled out of order.

Mr. Smyth (of Lander) moved to lay the Concurrent Resolution on the table, pending the report of Select Committee appointed to wait on the chairman of Joint Committee of fourteen.

Agreed to.

By Mr. Mayhugh:

Assembly Concurrent Resolution No. 22, requesting the Governor to return Assembly Bill No. 23—An Act prohibiting the employment of Chinese and Mongolians, to the Assembly for correction and otherwise.

Agreed to.

#### SENATE MESSAGE.

SENATE CHAMBER, }  
CARSON CITY, NEV., February 19, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 89, entitled an Act to amend an Act authorizing the Governor of the State to appoint a Private Secretary, defining his duties, and fixing his compensation, approved March 10, 1865, which passed the Senate on yesterday: Yeas, 15; nays, 5.

I have also the honor to return to your Honorable Body, Assembly Bill No. 46—An Act to prohibit the transportation, manufacture and storage in certain instances of giant powder, and other dangerous explosives, which failed to pass the Senate: Yeas, 1; nays, 19.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

#### SECOND READING OF BILLS.

Senate Bill No. 65—An Act to amend an Act entitled "An Act to re-district the State of Nevada," approved March 5, 1877.

Bill read second time, and referred to the Judiciary Committee.

Senate Bill No. 102—An Act granting certain powers to the Board of Directors of the State Orphans' Home.

Bill read second time, and referred to the Committee on State Institutions.

Senate Bill No. 67—An Act to amend an Act entitled "An Act to admit to probate a certain paper purporting to be the last will and testament of Thos. Sheehan," approved February 26, 1877.

Bill read second time, and referred to the Judiciary Committee.

Senate Bill No. 92—An Act to amend an Act entitled "An Act amendatory of, and supplemental to, an Act concerning crimes and punishments," approved November 26, 1861; and all Acts amendatory of and supplemental thereto, approved March 7, 1873.

Bill read second time, and referred to the Judiciary Committee.

## INTRODUCTION AND FIRST READING OF BILLS.

Mr. Smith (of Storey), by leave, introduced Assembly Bill No. 116—An Act for the relief of Mrs. A. Whitford and H. W. Putnam.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 98—An Act to amend an Act authorizing the Governor of the State of Nevada to appoint a Private Secretary, to define his duties, and fixing his compensation, approved March 10, 1865.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on the Whole.

Mr. Vansickle, by leave, introduced Assembly Bill No. 117—An Act to amend section two of an Act entitled "An Act authorizing D. D. Kingsbury and James M. McDonald to establish and maintain a toll-road.

Bill read first time, rules suspended, read second time by title, and considered engrossed.

Mr. Vansickle presented petition from residents of Douglas County praying the Legislature to reduce and regulate tolls on the Kingsbury and McDonald toll-road.

Mr. Lawson, by leave introduced Assembly Bill No. 118—An Act to amend sections 74 and 75 of an Act amendatory of and supplemental to an Act entitled "An Act concerning crimes and punishments," approved November 26, 1861; approved February 26, 1875.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Judiciary Committee.

Mr. Fulton, at 11:58 A. M., moved that the House take a recess for one hour.

## HOUSE IN SESSION.

At 1 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Foulks asked indefinite leave of absence for Mr. Underwood on account of illness.

Granted.

Mr. Prisk asked leave of absence for Mr. Taylor for the remainder of the day.

Granted.

Mr. Lane moved a call of the House.

Carried.

Roll called.

Absent, without leave, Messrs. Beard, Davies, Fisk, Hagar, Mayhugh, Plummer, Price, Watt, and Williams.

Mr. Fisk appeared at the Bar of the House, and on motion of Mr. Smith (of Lyon) he was excused, and allowed to take his seat.

Mr. Watt appeared at the Bar of the House, and on motion of Mr. Allen (of Storey) he was admitted to his seat.

Mr. Price appeared at the Bar of the House, was excused, and allowed to take his seat.

Mr. Vansickle moved that further proceedings under the call be dispensed with.

Motion lost.

On motion of Mr. Allen (of Lincoln), each member who is now absent shall be fined one dollar, and shall pay the same to the Sergeant-at-Arms before he can be admitted to his seat.

Messrs. Beard, Davis, Hagar, Mayhugh, Plummer and Williams appeared at the bar of the House in custody of the Sergeant-at-Arms, and on the payment of one dollar each to the Sergeant-at-Arms, were admitted to their seats.

Mr. Lane moved that further proceedings under the call be dispensed with.

Agreed to.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Wermuth, by leave, introduced Assembly Bill No. 119—An Act to admit to probate a certain paper purporting to be the last will and testament of A. Benedict, deceased.

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

Mr. Plummer rose to a question of privilege and moved that the fine paid by Mr. Williams to the Sergeant-at-Arms be remitted, on the ground that Mr. Williams was on select committee duty, to which he was appointed during the morning session.

Agreed to.

Mr. Powers moved that the fine of Mr. Hagar be also remitted, he being also on select committee duty.

Lost.

#### REPORT OF JOINT COMMITTEE OF FOURTEEN.

*Mr. Speaker :*

The joint committee of both Houses have had under consideration various proposed bills touching the question of the regulation of fares and freights on railroads in the State of Nevada, and have received and considered evidence and other matters in relation thereto, and after considering the same, and by order of said committee on motion made and carried, beg leave to report favorably herewith a bill entitled "An Act to regulate the charges for carrying, receiving, handling and storing of property, and for carrying passengers by inter-State railroads within the State of Nevada, and prescribing penalties for the violation of its provisions," with recommendation that the same do pass.

W. M. BOARDMAN, Chairman.

Mr. Allen (of Lincoln) presented Assembly Bill No. 120, as per report of Joint Committee, entitled "An Act to regulate the charges for carrying, receiving, handling and storing of property, and for carrying passengers by inter-State railroads within the State of Nevada, and prescribing penalties for the violation of its provisions."

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Committee of the Whole.

Mr. Mayhugh moved to take from the table Assembly Concurrent Resolution No. 21, relative to Joint Committee of Fourteen.

Motion carried.

Mr. Melarkey moved the adoption of the resolution.

Mr. Allen (of Storey) moved to lay the resolution on the table.

Motion to lay on the table lost, and motion to adopt was not agreed to.

By Mr. Davies:

*Resolved*, That the Assembly expects the Joint Committee of Fourteen, of the two Houses, to report finally by Tuesday next on the matter of freights and fares on railroads, and that the consideration of said matters be made the special order for Tuesday next at one o'clock P. M., and that the consideration of said matters take precedence of all matters, including evening sessions.

Mr. Smith (of Lyon) moved to lay the resolution on the table.

Motion lost.

Mr. Allen (of Lincoln) moved to amend the resolution so that the committee shall report on the twenty-fourth instant at eleven o'clock A.M., in lieu of the twenty-fifth at one P. M.

Agreed to.

Mr. Morrison moved to strike out the words "and that the consideration of said matters take precedence of all matters, including evening sessions."

Agreed to, and the resolution was adopted as amended.

Adopted.

By Mr. Allen, of Storey:

*Resolved*, That Assembly Bill No. 87, entitled "An Act to authorize the Mayor and Board of Aldermen of the City of Virginia to pay the claim of William Cook;" and Assembly Bill No. 88, entitled "An Act to authorize the Mayor and Board of Aldermen of the City of Virginia to pay the claim of John Brickell," be recommitted to the Virginia portion of the Storey County Delegation, for further consideration.

Adopted.

Mr. Plummer asked leave of absence for the remainder of the afternoon.

Granted.

#### GENERAL FILE.

Senate Bill No. 86—An Act to provide for certain Legislative expenses.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Crawford, Davies, Flannery, Fraser, Fulton, Gibson, Green, Hagar, Harlow, Howe, Irvine, Lane, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Paton, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Watt, Wermuth, Wilson, and Mr. Speaker—30.

NAYS—Messrs. Beard, Eldred, Fisk, Ferguson, Hanna, Kennedy, Lamb, Lawson, Melarkey, Morrison, Shakespeare, Smith, of Lyon, Vansickle, and Williams—14.

Absent—Messrs. Allen, of Lincoln, Foulks, Plummer, Taylor, and Underwood.

Assembly Concurrent Resolution No. 16, in relation to amendments to the Constitution of the State of Nevada.

Bill read third time and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Fisk, Gibson, Harlow, Lane, Morrison, Paton, Robinson, and Wermuth—12.

NAYS—Messrs. Allen, of Storey, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Green, Hagar, Hanna, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—33.

Absent—Messrs. Howe, Plummer, Taylor, and Underwood.

Assembly Bill No. 99—An Act to appropriate money for the payment of certain claims against the State of Nevada.

Considered engrossed.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Payton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Howe, Plummer, Taylor, and Underwood.

Assembly Bill No. 59—An Act to provide a residence for the Governor of the State of Nevada.

On motion of Mr. Smith (of Lyon), laid on the table.

Assembly Bill No. 97—An Act to secure safety to human life in the use of steam in transportation and otherwise.

Amendments reported by Committee adopted.

Ordered engrossed, and made the special order for the twenty-sixth instant at 11 A. M.

Assembly Joint Resolution No. 20—Relative to the manner of electing United States Senators.

Amendment reported by Committee adopted.

Resolution ordered engrossed, and made the special order for the twenty-sixth instant at two P. M.

Assembly Bill No. 78—An Act amendatory of and supplemental to an Act entitled an Act to amend an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada," approved March 7, 1873.

Amendments reported by the Committee on State Prison adopted.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard,

Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wermuth, Williams, Wilson and Mr. Speaker—46.

NAYS.—None.

Absent—Messrs. Plummer, Tyalor, and Underwood.

Mr. Mayhugh moved to strike out of the title of the bill the words "amendatory of and supplementary to," and in lieu thereof insert the words "to amend."

Agreed to.

Assembly Bill No. 89—An Act relating to the flow of water in the Truckee River.

Bill considered engrossed, read third time, and lost by the following vote:

YEAS—MESSRS. Andrews, Crawford, Eldred, Flannery, Foulks, Fulton, Lane, Mayhugh, Morrison, Paton, Powell, Price, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Wermuth, Williams, Wilson, and Mr. Speaker—19.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Davies, Fisk, Fraser, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Vansickle, Watt—25.

Absent—Messrs. Hagar, Lyon, of White Pine, Plummer, Taylor, and Underwood.

Mr. Allen, of Lincoln, gave notice that on the twenty-first instant he would move to reconsider the vote by which Assembly Bill No. 89 was lost.

Assembly Bill No. 115—An Act to amend an Act entitled "An Act to create a current expense fund for Nye County," became a law without the approval of the Governor, March 2, 1877.

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

YEAS—MESSRS. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS.—None.

Absent—Messrs. Allen, of Storey, Hagar, Lyon, of White Pine, Plummer, Taylor, and Underwood.

Assembly Bill No. 96—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.

Roll called, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Powell, Price, Prisk, Robinson, Sharp, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—38.

NAYS—Messrs. Beard, Ferguson, Harlow, Kennedy, Melarkey, Shakespeare, Smith, of Eureka, Smith, of Lyon—8.

Absent—Messrs. Plummer, Taylor, and Underwood.

On motion of Mr. Mayhugh, at 3:55 P. M., the House adjourned.

Approved: HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## FORTY-SEVENTH DAY.

CARSON CITY, February 21, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Plummer, Underwood and Wermuth.

Mr. Robinson asked leave of absence for Mr. Wermuth for one day.

Granted.

Mr. Watt asked leave of absence for Mr. Plummer for one day.

Granted.

Prayer by the Rev. Mr. McLain.

Pending the reading of the Journal Mr. Allen, of Storey, asked leave of absence for one half hour.

Granted.

Journal of the forty-sixth day read and approved.

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

*Resolved*, That when this House adjourns to-day that it stand ad-

journed over until Monday at 10:30 A. M., February twenty-fourth, in honor of the one hundred and forty-seventh anniversary of the birthday (Saturday, February twenty-second), of that great and good man, General George Washington, whose many endearing virtues and noble deeds will ever be remembered and honored throughout the world, as constitutional liberty shall find a resting-place among the nations of the earth—first in peace, first in war, first in the hearts of his countrymen.

Unanimously adopted.

#### PETITIONS.

Mr. Williams presented a remonstrance from citizens of Tybo, Nye County, against the passage of the bill forwarded to Mr. Taylor to license Mormons bringing produce from Utah and retailing said produce in the State of Nevada.

Referred to Committee on Trades and Manufactures.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 76—An Act to amend an Act entitled “An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, and repeal all other Acts in relation thereto,” approved March 8, 1869; March 5, 1877; beg leave to report favorably on said bill, and recommend its passage.

Also, report favorably on Assembly Bill No. 111—An Act amendatory and supplementary of an Act amendatory and supplementary of an Act entitled “An Act to regulate the sale or disposal of opium, and to prohibit the keeping the places of resort for smoking or otherwise using that drug,” approved February 9, 1877, and report favorably on the said bill, and recommend its passage.

Also, Assembly Bill No. 105—An Act in relation to special taxes, beg leave to report favorably on said bill, and recommend its passage.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Education, to which was referred Senate Bill No. 99—An Act to amend an Act entitled “An Act to provide for the maintenance and supervision of Public Schools, approved March 20, 1865, have had the same under consideration, and beg leave to report favorably on the said bill, and recommend that it do pass.

G. W. WILSON, Chairman.

*Mr. Speaker:*

Your Committee on Public Lands, to whom was referred Assembly Bill No. 95, entitled “An Act to encourage the sinking of Artesian Wells,” have had the same under consideration, and beg to recommend certain amendments to the bill, which are herewith submitted. With these amendments, your committee report favorably, and recommend that it do pass.

J. S. MAYHUGH, Chairman.

*Mr. Speaker :*

Your Committee on Trade and Manufactures, to which was referred Assembly Bill No. 44, entitled "An Act to provide for the payment of License Tax to the State of Nevada, by commercial travelers and others," have had the same under consideration. We beg leave to ask that the same may be referred to the Committee of the Whole.

S. W. POWELL, Chairman.

Adopted.

Mr. Mayhugh, from the Committee on Public Lands and Mines and Mining Interests, reported back Assembly Bill No. 94—An Act to protect and preserve for miners growing timber on unsurveyed lands covering and adjoining mining locations, and recommending the re-reference of said bill to the Judiciary Committee.

So referred.

#### MOTIONS AND RESOLUTIONS.

By Mr. Allen (of Lincoln):

*Resolved*, That his Excellency the Governor be respectfully requested to return Assembly Bill No 14 to this House for correction and modification.

Adopted.

Mr. Allen (of Lincoln) moved that Rule 49 be suspended, and that twice the usual number of copies be ordered printed of Assembly Bill No. 120—An Act to regulate the charges for carrying, receiving, hauling and storing of property, and for carrying passengers by Inter-State Railroads within the State of Nevada, and prescribing penalties for the violation of its provisions.

Agreed to.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., February 20, 1879. }

*To the Honorable the Assembly:*

I have the honor to return to your Honorable Body, Assembly Concurrent Resolution No. 22, relative to Assembly Bill, No. 23, now in the hands of the Governor, which was this day unanimously adopted by the Senate.

I also transmit for your consideration Senate Bill No. 101—An Act to repeal Sections Fourteen and Fifteen and to amend Section in Sixteen of an "An Act to provide for organizing and discipling the Militia of the State," approved March 4, 1865, which passed the Senate this day. Yeas, 21; Nays, none.

Also, Senate Bill No. 120—An Act to Detect and Punish Incendiarism, which passed the Senate this day. Yeas, 21; Nays, 2.

Also, Senate Bill No. 58, entitled "An Act to provide for the purchase and distribution of Hawley's Digest of the Nevada Supreme Court

Reports, and Sawyer's Circuit Court Reports," which passed the Senate this day. Yeas, 17; Nays, 6.

Also, Senate Bill No. 97—An Act to amend an Act, entitled "An Act to exempt the Homestead and other property from Forced Sale in certain cases," approved March 6, 1865, which passed the Senate this day. Yeas, 15; Nays, 7.

Also, Senate Bill No. 121—An Act concerning apprentices, which passed the Senate this day. Yeas, 22; Nays, none.

THEO. S. DAVENPORT,

Assistant Secretary of Senate.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Beard, by leave, introduced Assembly Bill No. 121—An Act imposing a tax and prescribing privilege of selling wine, ardent spirits, or malt liquors, within the limits of the State of Nevada, and to repeal all other acts in relation thereto.

Pending the first reading of the bill Mr. Foulk's, at 11:30 A. M., moved to adjourn.

Lost.

Mr. Green moved to reject the bill.

Roll called, and motion to reject lost by the following vote:

YEAS—Messrs. Green, Lane, and Powell—3.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Williams, and Mr. Speaker—41.

Absent—Messrs. Andrews, Plummer, Underwood, Wermuth, and Wilson.

Assembly Bill No. 121, read first time, rules suspended, read second time by title, ordered printed, and referred to the Committee on Public Morals.

Mr. Foulk, by leave, introduced Assembly Bill No. 122—An Act to amend an Act, entitled "An Act requiring persons slaughtering horned cattle to leave the hides and ears two days," and punishing a failure so to do.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Ways and means.

Mr. Smyth (of Lander), by leave, introduced Assembly Bill No. 123—An Act to provide for the purchase of three hundred copies of the Homographic Chart, of the State Government of Nevada, for the year 1879.

Bill read first time, rule suspended, read second time by title, and referred to the Committee of the Whole.

Mr. Allen (of Lincoln), by leave, introduced Assembly Concurrent Resolution No. 23, relative to requesting the Governor to return Assembly Bill, No. 14, to the Assembly.

Adopted.

On motion of Mr. Allen, of Storey, at 12:02 P. M., the House took a recess until 1:15 P. M.

## HOUSE IN SESSION.

At 1:15 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

### INTRODUCTION AND FIRST READING OF BILLS:

Senate Bill No. 57—An Act to provide for the purchase and distribution of Hawley's Digest of the Nevada Supreme Court Reports, and Sawyer's Circuit Court Reports.

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

Senate Bill No. 97—An Act to amend an Act, entitled "An Act to exempt the Homesteads and other property from Forced Sale in certain cases," approved March 6, 1878.

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

Senate Bill No. 101—An Act to repeal Sections 14 and 15, and to amend Section 16 of an Act entitled "An Act to provide for the organization and discipline of the militia of the State," approved March 4, 1865.

Bill read first time, rules were suspended, read second time by title, and referred to the Committee on Military and Indian Affairs.

Senate Bill No. 121—An Act concerning apprentices.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Trades and Manufactures.

Senate Bill No. 120—An Act to detect and punish incendiarism.

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

### GENERAL FILE.

Assembly Bill No. 117—An Act to amend an Act to amend Section 2 of an Act entitled "An Act authorizing D. D. Kingsbury and James M. McDonald to establish and maintain a toll-road.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gerguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—46.

NAYS--None.

Absent—Messrs. Allen, of Storey, Plummer, and Wermuth.

Assembly Bill No. 105—An Act in relation to special taxes.  
Considered engrossed.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—47.

NAYS—None.

Absent—Messrs. Plummer and Wermuth.

Assembly Bill No. 95—An Act to encourage the sinking of artesian wells.

Passed on file.

#### REPORT FROM COMMITTEE ON MINES AND MINING INTERESTS.

*Mr. Speaker :*

Your Committee on Mines and Mining Interests have had under consideration Senate Bill No. 70, entitled "An Act to amend an Act entitled 'An Act to protect the rights of owners of stock shares and other interests in the mineral and metal-yielding mines in this State,'" approved February 21, 1877, and beg leave to report favorably upon said bill, and recommend that it do pass.

JOHN E. ALLEN, Chairman.

Assembly Bill No. 111—An Act amendatory and supplementary of an Act entitled "An Act to regulate the sale or disposal of opium, and to prohibit the keeping of places of resort for smoking or otherwise using that drug," approved February 9, 1877.

Bill read third time.

Clerical error in Section 1 corrected by clerk, and passed as corrected by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—44.

NAYS—Messrs. Allen, of Storey, Ferguson, Lamb—3.

Absent—Messrs. Plummer and Wermuth.

Mr. Wilson asked leave of absence for the remainder of the afternoon.

Granted.

Mr. Melarkey moved that the House resolve itself into the Committee of the Whole for the consideration of Assembly Bill No. 120, relative to regulating Fares and Freights.

Mr. Fisk moved to amend by considering all bills referred to the Committee of the Whole.

Amendment and original motion lost.

Senate Bill No. 99—An Act to amend an Act entitled "An Act to provide for the maintenance and supervision of Public Schools," approved March 20, 1865.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, and Mr. Speaker—45.

NAYS—Mr. Smith, of Lyon—1.

Absent—Messrs. Plummer, Wilson and Wermuth.

Senate Bill No. 76—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate proceedings in civil cases in the courts of justice of this State, and repeal all other Acts in relation thereto," approved March 8, 1869; approved March 5, 1877.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Plummer, Wermuth, and Wilson.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., February 21, 1879. }

*To the Honorable the Assembly:*

By order of the Senate, I am instructed to request that Senate Bill No. 58—An Act to provide for the purchase and distribution of Hawley's Digest of the Nevada Supreme Court Reports and Sawyer's Circuit Court Reports, be returned to the Senate for further consideration.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Request of Senate, as per Senate Message, agreed to.

Pursuant to previous notice, Mr. Allen (of Lincoln) moved to reconsider the vote by which Assembly Bill No. 89—An Act to regulate the flow of water in the Truckee River, was lost.

Roll called, and motion carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Foulks, Fulton, Ferguson, Green, Hagar, Harlow, Irvine, Lane, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Williams, and Mr. Speaker—30.

NAYS—Messrs. Allen, of Storey, Davies, Fisk, Fraser, Gibson, Hanna, Howe, Kennedy, Lamb, Lawson, Lyons, of Storey, Prisk, Shakespeare, Smith, of Lyon, and Watt—15.

Absent—Messrs. Flannery, Plummer, Wermuth, and Wilson.

On motion of Mr. Allen (of Lincoln), Assembly Bill No. 89 was made the special order for the twenty-sixth inst. at one P. M.

On motion of Mr. Mayhugh, at 2:23 P. M., the House adjourned.

Approved: HENRY A. GASTON,  
Speaker of the Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

## FIFTIETH DAY.

CARSON CITY, February 24, 1879.

The House met at 10:30 A. M.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Davies, Watt, and Wermuth.

Mr. Robinson asked leave of absence for Mr. Wermuth for one day.

Granted.

Prayer by the Rev. Mr. Weir.

Mr. Smith (of Lander) asked leave of absence for Mr. Watt for one day on account of sickness.

Granted.

Journal of the twenty-seventh day read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on State Institutions, to whom was referred Assembly Bill No. 104—"An Act to provide for the election of a Warden for the State Prison," have had the same under consideration, and have made some amendments to the amendments that accompanied the same. We beg leave to report favorably on the same, with the recommendation that it do pass as amended.

Also, Senate Bill No 102—Entitled "An Act granting certain powers to the Board of Directors of the State Orphans' Home," have had the same under consideration. We beg leave to report favorably on the same, with the recommendation that it do pass.

Also, Senate Bill No. 109—"An Act to prohibit the State Controller from issuing his warrant in certain cases," have had the same under consideration. We beg leave to report unfavorably on the same, and recommend that the same be indefinitely postponed.

Also, Assembly Bill No. 102—An Act amendatory of an Act entitled "An Act concerning the office of Surveyor-general." We beg leave to report favorably on the same, with the recommendation that it do pass.

E. N. UNDERWOOD, Chairman.

*Mr. Speaker :*

Your Committee on Enrollment have carefully compared Assembly Bill No. 21—"An Act for the maintenance and supervision of Public Schools," and have found the same correctly enrolled, and have this twenty-fourth day of February, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

*Mr. Speaker :*

Your Committee on Enrollment have carefully compared Assembly Concurrent Resolution No. 22, "relative to Assembly Bill No. 23, in hands of Governor," and have found the same correctly enrolled, and have this twenty-fourth day of February, 1879, handed the same to the Secretary of State.

DANIEL LYONS, Chairman.

*Mr. Speaker :*

Your Standing Committee on Engrossment, beg leave to report that they have compared Assembly Bill No. 57 with the engrossed copy thereof, and find the same correctly engrossed.

J. C. HARLOW, Chairman.

## MOTIONS AND RESOLUTIONS.

By Mr. Hanna:

WHEREAS, Almon Ames, Journal Clerk of the Assembly, has left Carson City to accept a position in Gold Hill, Nevada, and whereas said Almon Ames intends to reside in said town during the remainder of the session, therefore be it

*Resolved*, That the office of Journal Clerk be declared vacant, and that the Assembly do now proceed to fill the vacancy for the balance of the unexpired term.

Resolution adopted by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Davies, Watt, Wermuth, and Williams.

Nominations for Journal Clerk were now declared in order.

Mr. Hanna placed in nomination H. T. Tucker, of Storey County.

Mr. Mayhugh placed in nomination Mr. Wm. Alpersen, of Storey County.

Mr. Shakespeare placed in nomination E. McFadden, of Esmeralda County.

Mr. Plummer placed in nomination Mr. Wm. Ricord, of Ormsby County.

Pending motions, Mr. Smith, of Eureka, moved the consideration of special order, viz., Assembly Bill No 57, be postponed for one half hour.

Agreed to.

There being no objection, nominations for Journal Clerk were declared closed.

Roll called, the vote resulting as follows:

Tucker—Messrs. Crawford, Eldred, Fisk, Foulks, Fulton, Gibson, Hanna, Howe, Kennedy, Lamb, Lawson, Lyon, of White Pine, Melarkey, Morrison, Paton, Prisk, Shakespeare, Sharp, Smith, of Lyon, Vansickle, Wilson, Mr. Speaker—22.

Alpersen—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Flannery, Fraser, Ferguson, Harlow, Irvine, Lane, Lyons, of Storey, Mayhugh, Powell, Robinson, Smith, of Eureka, Smith, of Storey, Taylor, Underwood—18.

McFadden—Price, and Smyth, of Lander—2.

Ricord—Hagar, and Plummer—2.

There being no election, the House again proceeded to vote, resulting as follows:

Tucker—Messrs. Crawford, Eldred, Fisk, Foulks, Fulton, Gibson, Hagar, Hanna, Howe, Kennedy, Lamb, Lawson, Lyon, of White Pine, Melarkey, Morrison, Prisk, Shakespeare, Sharp, Smith, of Lyon, Vansickle, and Wilson—21.

Alpersen—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Flannery, Fraser, Ferguson, Harlow, Irvine, Lane, Lyons, of Storey, Mayhugh, Paton, Plummer, Powell, Price, Robinson, Smith, of Eureka,

Smith, of Storey, Taylor, Underwood, Williams, and Mr. Speaker—23.  
McFadden—Smyth, of Lander.

Mr. Alperson having received a majority of all the votes cast, was declared duly elected Journal Clerk of the Assembly for the remainder of the session.

#### SPECIAL ORDER.

Assembly Bill No. 57—An Act to establish a State Printing Office, and to create the office of Superintendent of State Printing.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Williams, Wilson, and Mr. Speaker—46.

NAYS—None.

Absent—Messrs. Davies, Watt, and Wermuth.

Mr. Mayhugh moved that Mr. Allen (of Lincoln), be appointed to wait on Mr. Watt, and procure from him the bill known as the Woodburn Bill and report the same to the House immediately.

By Mr. Price:

House Resolution, relative to paying Jerry Schooling for copying the report of State Treasurer for the years, 1877 and 1878.

Bill referred to the Committee on Contingent Expenses.

Mr. Price moved that the Senate be requested to return to the Assembly, House Bill No. 54—An Act making an appropriation for a deficiency in the office of the Secretary of State in the thirteenth and fourteenth fiscal years, for consideration in Committee of the Whole.

Agreed to.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, February 21, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 103, entitled an Act to amend an act, entitled "An Act to preserve wild game, and to repeal all other Acts in relation thereto," approved February 23, 1877, which passed the Senate this day: Yeas, 17; nays, 2.

I also return to your Honorable Body, Assembly Bill No. 115—An Act to amend an Act entitled "An Act to create a current expense fund for Nye County," which became a law without the approval of the Governor, March 2, 1877; which passed the Senate this day with title amended: Yeas, 20; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

## INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Smith, of Storey:

Assembly Bill No. 124—An Act to amend Section 2 of an Act entitled "An Act to provide for the purchase of certain supplies for State officers and attaches of the Legislature," approved March 2, 1877.

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

Mr. Morrison, by leave, introduced Assembly Bill No. 125—An Act to provide for the destruction of noxious animals within this State.

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

Mr. Ferguson, by leave, introduced Assembly Bill No. 126—An Act to create a fence law, and to further protect the agricultural interest of the State.

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

Mr. Lyon (of White Pine), introduced Assembly Bill No. 127—An Act to provide for calling an extra term of court and to try certain cases.

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

Mr. Wilson, by leave, introduced Assembly Bill No. 128—An Act supplemental to an Act entitled "An Act to authorize and require the payment of rewards in certain cases," approved February 26, 1877.

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

Mr. Mayhugh moved that the consideration of special order, viz: Assembly Bill No. 25—An Act to restrain gaming, and to repeal all other Acts in relation thereto—be postponed until 1:15 p. m.

Agreed to.

On motion of Mr. Andrews, at 12:3 p. m. the House took a recess until 1:15 p. m.

## HOUSE IN SESSION.

At 1:15 o'clock p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Allen (of Storey) asked leave of absence for Mr. Harlow for the remainder of the day.

Granted.

Mr. Mayhugh moved that the consideration of the special order, viz: Assembly Bill No. 25, be postponed until 2:15 p. m.

Agreed to.

Senate Bill No. 103—An Act to amend an Act entitled "An Act to preserve wild game, and to repeal all other Acts in relation thereto," approved February 23, 1877.

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

Mr. Taylor, by leave, introduced Assembly Bill No. 129—An Act to restrict and regulate gambling.

Bill read first time, rules suspended, read second time by title, and referred to Committee on Public Morals and ordered printed.

Mr. Mayhugh moved to reject the bill.

Roll called and motion to reject carried by the following vote:

YEAS—Messrs. Eldred, Fraser, Gibson, Green, Hagar, Hanna, Irvine, Kennedy, Lamb, Lawson, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Shakespeare, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Williams, Wilson, and Mr. Speaker—25.

NAYS—Messrs. Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fulton, Ferguson, Harlow, Howe, Lane, Lyons, of Storey, Lyon, of White Pine, Paton, Prisk, Robinson, Sharp, Smith, of Lyon, Taylor—20.

Absent—Messrs. Allen, of Lincoln, Davies, Watt and Wermuth.

#### GENERAL FILE.

Senate Bill No. 70—An Act to amend an Act entitled "An Act to protect the rights of owners of stock shares, and other interests in the mineral and metal-yielding mines in this State," approved February 21, 1877.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hagar, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Plummer, Price, Prisk, Robinson, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Vansickle, Wilson—36.

NAYS—Messrs. Green, Hanna, Lane, Lyon, of White Pine, Paton, Powell, Sharp, Smith, of Storey, Williams, and Mr. Speaker—10.

Absent—Messrs. Davis, Watt and Wermuth.

Mr. Allen (of Lincoln) moved that the special order for 2:15 p. m. be postponed until Wednesday, the twenty-sixth inst., at 11 a. m.

Agreed to.

Assembly Bill No. 95—An Act to encourage the sinking of artesian wells.

Amendments reported by committee adopted, and bill ordered engrossed.

The House refused to concur in Senate amendments to Assembly bill No. 115—An Act to amend an Act entitled "An Act to create a Current Expense Fund for Nye County," became a law without the approval of the Governor, March 2, 1877.

Senate Bill No. 102—An Act granting certain powers to the Board of Directors of the State Orphans' Home.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of

White Pine, Mayhugh, Melarkey, Morrison, Payton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Vansickle, Williams, Wilson, and Mr. Speaker—40.

NAYS—None.

Absent—Messrs. Allen, of Storey, Andrews, Davies, Eldred, Plummer, Smyth, of Lander, Underwood, Watt, and Wermuth.

Senate Bill No. 109—An Act to prohibit the State Controller from issuing his warrant in certain cases.

Bill read third time and lost by the following vote:

YEAS—Messrs. Kennedy, and Melarkey—2.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Williams, Wilson, and Mr. Speaker—42.

Absent—Messrs. Davies, Fisk, Plummer, Watt, and Wermuth.

Assembly Bill No. 102—An Act amendatory of an Act entitled “An Act concerning the office of Surveyor-general.”

Ordered engrossed.

Assembly Bill No. 104—An Act to provide for the election of Warden for the State Prison.

Amendments reported by committee adopted, and bill ordered engrossed.

Mr. Mayhugh moved to take up Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians, together with the message from the Governor transmitting said bill to the Assembly.

Agreed to.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
CARSON CITY, February 24, 1879. }

*To the Honorable the Assembly:*

In compliance with a request of the Legislature of Nevada, embodied in Concurrent Resolution No. 22, I herewith return to your honorable body Assembly Bill No. 23, for the purposes stated in said resolution.

JOHN KINKEAD,  
Governor.

Mr. Mayhugh moved to reconsider the vote by which the House passed Assembly Bill No. 23.

Agreed to by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane,

Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Payton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Williams, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Davies, Ferguson, Watt and Wermuth.

Mr. Mayhugh moved to take up the original Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians.

Agreed to.

The House refused to concur in Senate amendments to Assembly Bill No. 23.

Mr. Mayhugh moved that the history of Assembly Bill No. 23 be amended so as to conform with the action of the Assembly in regard to said bill on the twenty-fourth instant.

On motion of Mr. Morrison, the House resolved itself into the Committee of the Whole, for the consideration of bills referred to said committee, with the Speaker, *pro tem.*, in the chair.

In time, the committee arose and reported back to the House Assembly Bill No. 120—An Act to regulate the charges for carrying, receiving, handling and storing of property, and for carrying passengers by Inter-State Railroads within the State of Nevada, and prescribing penalties for the violation of its provisions, made amendments thereto, and recommended the passage of the bill as amended.

Also, Assembly Bill No. 103—An Act to appropriate money for the payment of certain claims against the State of Nevada, with the recommendation that it do pass.

Also, Senate Bill No. 89—An Act to amend an Act authorizing the Governor of the State of Nevada to appoint a private secretary, defining his duties, and fixing his compensation, approved March 10, 1865, made an amendment thereto, and recommended that the bill do not pass.

Also, Assembly Bill No. 91—An Act to pay the claim of H. Knight, Assessor of Eureka County, and recommended that it do not pass.

Also, Assembly Bill No. 71—An Act to provide a supply of water for the Capitol, and for the State Orphans' Home, and recommended its passage.

Also, Assembly Bill No. 44—An Act to provide for the payment of a license tax to the State of Nevada by commercial travelers and others, with the recommendation that it do not pass.

Also, Assembly Bill No. 112—An Act to regulate Freights and Fares on all railroads in this State, made amendments thereto, reported progress thereon, and asked leave to sit again.

Also, Assembly Bill No. 116—An Act for the relief of Mrs. Whitford and H. W. Putnam, made an amendment thereto, and recommended the passage of the bill as amended.

Also, Assembly Bill No. 123—An Act to provide for the purchase of three hundred copies of the Homographic Chart of the State Government of Nevada for the year 1879, and recommended that it do not pass.

## HOUSE IN SESSION.

Mr. Speaker in the chair.

On motion of Mr. Hagar, the report of the Committee of the Whole was received.

Mr. Harlow, at 4:23 P. M., moved to adjourn.

Carried.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## FIFTY-FIRST DAY.

CARSON CITY, February 25, 1879.

The House met at 10:30 A. M.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Davies, Watt, and Wermuth.

Prayer by the Rev. Mr. Weir.

Journal of the fiftieth day read, corrected and approved.

Mr. Robinson asked leave of absence for Mr. Wermuth for one day.

Granted.

Mr. Smyth (of Lander), asked leave of absence for Mr. Watt for one day.

Granted.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Trades and Manufactures have had under consideration Senate Bill No. 121, an Act entitled "An Act concerning apprentices," and beg leave to report favorably upon the same, and recommend that it do pass.

S. W. POWELL, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment hereby report that they have compared Assembly Bills Nos. 95 and 102 with the engrossed copies thereof, and find them correctly ngrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker:*

Your Committee on Public Morals have had Assembly Bill No. 107 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

J. FERGUSON, Chairman.

#### REPORT OF SELECT COMMITTEES.

*Mr. Speaker :*

The majority of your Special Joint Committee of Fourteen on Railroads have had under consideration Assembly Bill No. 36 and No. 49, and beg leave to report upon the same, without recommendation.

We have particularly considered a Bill entitled "An Act relating to railroads, the termini of which are in the State of Nevada," and beg leave to report it to the Assembly with the following objections:

There appears in the per ton per mile rates allowed therein, a marked difference to the advantage of one kind of freight over another or other kinds of freight. It is required that the articles enumerated in section two (2) shall be transported, with the exception of the first ten miles of haul, at one half the rate per ton per mile which is allowed upon every other class of freight, with one exception; that exception covers all "ores and bullion produced within this State," which are specially exempted by section seven from being in any manner affected by any of the provisions of this Act. This exemption leaves the rates of freight upon ores and bullion to the sole will of the carrier. Certain branches of the general business of the State are thereby favored with greatly reduced rates from those imposed upon other branches of business in the same localities.

Such discrimination, we believe, should not be sanctioned by law.

We believe the rates named in this Bill to be such as to prevent the construction of railroads now projected within the limits of this State, or which may hereafter be demanded by the development of business within her borders. The population of the State of Nevada is well known to be migratory; certain localities are suddenly settled, and often quite as promptly depopulated. Therefore, *inducements* rather than *impediments* should be offered by the Legislature to associations of capital ready to venture the development of the mineral resources of our State, by the construction of new railroads.

The interests of mining localities should in every way be fostered; but without the benefit of railroad connection, they are and will be crippled.

We believe that this bill, should it become a law, would injuriously disturb many business interests which have grown up at points on the lines of the local railroads, and that it would cause the transfer of such interests to points upon the Overland road, outside the boundaries of this State. Such legislation would not only be ruinous to our own citizens, but would deprive the State of a large present and yet greater prospective revenue arising from industries which are growing up along our local lines of travel.

We think the rates named in said bill would not be sufficiently remunerative to enable the railroads within the State of Nevada to carry on their operations in a manner for the best interests of this State. It is a

complete bar to the extension of our local roads; therefore, with so great a number of idle men in our towns, anxious for, but unable to, obtain employment, it seems to us a great wrong to enact a law which would inevitably deprive masses of our population of the means of employment and the rewards of labor expended in the construction of new railroads, and the development of those sections of our State through which these roads might be built.

We therefore recommend that the bill aforesaid do not pass.

Senator M. S. THOMPSON,  
 Senator H. A. COMINS,  
 Senator W. R. KING,  
 Senator W. DOOLIN,  
 Senator J. B. GALLAGHER.  
 Assemblyman U. E. ALLEN,  
 Assemblyman B. L. PLUMMER,  
 Assemblyman THOS. LANE,  
 Assemblyman GEORGE WATT,  
 Assemblyman T. W. W. DAVIES,  
 Assemblyman H. VANSICKLE.

*Mr. Speaker:*

The undersigned, members of the Special Joint Committee of the Senate and Assembly, to whom were referred Senate and Assembly bills, and other proposed measures looking to and providing for the regulation of freights and fares upon railroads in this State, beg leave to submit the following minority report:

Having had the same under consideration, and having heard petitions, written and oral statements, and arguments in relation thereto, we are compelled to reach different conclusions thereon than those expressed in the majority report of the committee.

The committee having already reported favorably to the Assembly, in the proposed bill to regulate freights and fares upon inter-State railroads in the State, but little need be said in this report in respect to the same.

Believing, however, that if the same became a law it would in a great degree relieve the people of the State from excessive and unjust charges upon freights and fares, and prevent that still more unjust thing—discrimination in such charges against our people and their property transported over such railroads, still we believe and recommend that the maximum of freight charges should be reduced from six cents, as mentioned in the bill, to four cents per ton per mile, and also the rate per mile per passenger, as named in the bill, should be reduced, as being fair to the people on the one hand, and at the same time allowing a just and fair compensation for the transportation of freight and passengers to the railroad companies.

We do not deem it necessary, nor can it well be done in this report, to recite the reasons and facts, sufficiently well known to every member of the Legislature, why the proposed bill should be amended, and as amended become a law.

The proposed bill relating to railroads, the termini of which are in the State of Nevada, has attracted much more of the time and attention of the committee than any other like measure. This was occasioned

from the great interest manifest, and the matter to be heard and considered in respect to the same.

After consideration of the matters in the nature of evidence, submitted to us as members of the committee, we have concluded and do recommend the proposed bill be amended by striking therefrom the whole of Section 7, which reads as follows:

"Section 7. Nothing in this Act contained shall be construed as in any manner affecting or regulating the transportation of ores or bullion produced within this State."

We do this because such amendment meets with the clearly expressed wish of the friends of the bill, and is not opposed by its enemies, and also will clear the bill from any constitutional question as to class or special legislation prohibited by the constitution. Also, after considering the matters produced and submitted by the leading and intelligent business men representing the paramount and leading interests and industries of the State, and in direct business contact with such railroads, as well as matters produced by the agents of the roads, we recommend that the bill be so amended, and that the same as amended do pass.

We do not think that the entire cost of the roads, their construction, reconstruction and repairs, including the re-laying of steel rails, etc., from the years 1869 or 1870, to the first day of January, 1879, should be considered the cost of, or investment in, the same, upon which the net profits of 1878 should bear reasonable rates of interest, or profit upon their operations for such year, or any one year; for upon such reasoning or mode of calculation but a few years would elapse before such a road and company would eat out the substance of the people and swallow up the wealth of the State to satisfy such increasing rate and debt upon such increasing cost or investment. And especially when we consider that about, or a little more than one million dollars were donated to one of such roads by the counties of Ormsby and Storey, and the mining companies of Storey County, which might properly be construed, *if not out* of the four millions eight hundred thousand dollars cost or investment in the road, at least, considered in determining the net profits or rate of interest produced on the actual investment.

Neither can we concede that the operating expenses of either of the roads are as great as is claimed, while we maintain the net earnings are much greater; nor can we see how the net earnings of such road is, in round numbers, seven hundred and fifty thousand dollars for 1878, while one hundred and sixty thousand dollars, principal and interest on bonds, or money secured by mortgage are paid for the year necessarily out of the net earnings of the road, for no part of which constitutes or can be charged to operating expenses, why some reasonable reduction upon freights should not be made. Neither can we see, as a matter of equal importance that such a road is to date annually, assessed under oath, and taxes are paid thereon upon a valuation of a million dollars, or thereabouts, while at the same time it is claimed under a statement of equal solemnity, that the people should be taxed in freights and fares, and pay thereon to the road sufficient to produce annually net earnings of nine hundred thousand dollars, or more, upon an assumed actual investment of four millions eight hundred thousand dollars; besides, it must be remembered as a confessed fact, among others, that the business of such road for the year 1878, "was not half as good as for any of the previous years." Nor do we see why a road cannot be operated for the rates, or

at least about the same mentioned in the proposed bill, when confessedly the average amount per ton per mile was nine 53-100 cents on the tonnage of the road for the year 1878, for ten cents per ton per mile is allowed upon all freight, except five cents is allowed for certain kinds of freights mentioned in the bill.

Manifold reasons and facts exist, and can further be produced in favor of the proposed bill providing for just rates for the relief of the people, and encouragement of the resources and leading interests and industries of the State; but we will close this report, and herewith submit the same, together with bill, and recommend the same do pass.

W. M. BOARDMAN.  
JOS. F. WILLIAMS.  
CHAS. KAISER.

Mr. Allen (of Lincoln) moved the adoption of the majority report.

Mr. Williams moved as an amendment that the minority report be adopted.

Mr. Hanna moved as a substitute that the majority report be laid on the table, and that the minority report be adopted.

Messrs. Lyons (of Storey), Melarkey, and Lyons (of White Pine), called for the yeas and nays.

Roll called, and substitute motion lost by the following vote:

YEAS—Messrs. Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Price, Shakespeare, Smyth, of Lander, Williams and Mr. Speaker—18.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Powell, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Wilson—28.

Absent—Messrs. Davies, Watt, and Wermuth.

The question recurring on the amendmend proposed by Mr. Williams, Messrs. Harlow, Hanna and Smyth, of Lander, called for the yeas and nays.

Roll called, and amendment lost by the following vote:

YEAS—Messrs. Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Smyth, of Lander, Williams, and Mr. Speaker—16.

NAYS—Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle and Wilson—30.

Absent—Messrs. Davies, Watt and Wermuth.

Mr. Fisk moved to lay the majority report of committee of fourteen on the table.

Messrs. Lyons (of Storey), Ferguson and Lyon (of White Pine) called for the yeas and nays.

Roll called, and motion to lay on the table lost by the following vote :

YEAS—Messrs. Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Price, Smyth, of Lander, Williams, and Mr. Speaker—17.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith of Lyon, Smith, of Storey, Taylor, Underwood, and Vansickle—29.

Absent—Messrs. Davies, Watt, and Wermuth.

The question recurring on the adoption of majority report of committee of fourteen.

Messrs. Taylor, Hanna, and Kennedy, called for the yeas and nays.

Roll called and the House adopted the majority report by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, and Wilson—29.

NAYS—Messrs. Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Powell, Smyth of Lander, Williams, and Mr. Speaker—17.

Absent—Messrs. Davies, Watt, and Wermuth.

Mr. Smith (of Lyon), by leave, presented a petition signed by citizens of Lyon County, praying the Legislature to pass the bills, known as the Woodburn and Lewis Railroad Bills.

Laid on the table.

#### MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
CARSON CITY, February 24, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to provide for the maintenance and supervision of Public Schools," approved March 20, 1865, approved March 8, 1867, approved March 5, 1869, approved March 7, 1873, approved March 5, 1877.

JOHN H. KINKEAD,  
Governor.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., February 21, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body Senate Bill No. 62—An Act to encourage and protect the growth of Forrest and Shade Trees, which passed the Senate this day: Yeas, 16; Nays, 6.

Also, Senate Bill No. 119—An Act to provide for the better preservation of the Mining Records in certain Mining Districts in this State, which passed the Senate this day: Yeas, 18; nays, 3.

Also, Senate Bill No. 122—An Act to encourage the collection of geological, paleontological and mineral specimens in this State, which passed the Senate this day: Yeas, 13; nays, 8.

I also return to your Honorable Body Assembly Bill No. 100—An Act authorizing the County Commissioners of Eureka County to pay certain claims, which passed the Senate this day: Yeas, 19; nays, none.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

SENATE CHAMBER,  
CARSON CITY, NEV., February 24, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Concurrent Resolution No. 28—"Relative to amendments to the Constitution of the State of Nevada," which was this day unanimously adopted by the Senate.

Also, to return to your Honorable Body Assembly Concurrent Resolution No. 23—Relative to return of Assembly Bill No. 14 to the Assembly.

Also, Assembly Bill No. 4—An Act supplementary to an Act entitled "An Act to provide for the selection of lands that has been, or may hereafter be, granted by the United States to the State of Nevada," approved March 5, 1873, which passed the Senate this day: Yeas, 21; nays, none.

Also, Assembly Bill No. 55—An Act for the greater security of life, by providing for the use of safety cages and iron bonnets in vertical shafts where iron mining cages are used of more than four hundred and fifty feet in depth, which was amended, and passed by the Senate this day: Yeas, 20; nays, 1.

Also, Senate Bill No. 111—Substitute for Assembly Bill No. 63—An Act to authorize the employment of criminals confined in the several jails throughout this State, which passed the Senate this day: Yeas, 16; nays 6.

Also, Senate Bill No. 113—An Act to amend an Act entitled "An Act to provide for the erection and maintenance of partition fences," approved March 6, 1875, which passed the Senate this day: Yeas 14; nays, 7.

Also, Senate Bill No. 114—An Act to amend Sections 551 and 554 of

an Act entitled "An Act to regulate proceedings in Criminal Cases, in the Territory of Nevada," approved Nov. 26, 1861," which passed the Senate this day: Yeas, 18; nays, 3.

I also return to your Honorable Body Assembly Bill No. 70—An Act to abolish the office of County Superintendent of Public Schools, which was lost in the Senate this day: Yeas, 6; nays, 16.

Also, Assembly Bill No. 64—An Act to regulate the measurement of charcoal, which passed the Senate on the twenty-fourth day of February, 1879: Yeas, 14; nays 6.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

#### MOTIONS AND RESOLUTIONS.

Mr. Hanna moved that Assembly Bill No. 120, known as the Lewis Bill, be made the special order for to-day, at 1:15 P. M.

Agreed to.

By Mr. Hager:

*Resolved*, That the Assembly Chamber be tendered S. T. Gage, this Tuesday evening, for the purpose of addressing those desirous of listening, on the subject of Fares and Freights on the Central Pacific Railroad, and Railroad Bills now pending.

Messrs. Beard, Melarkey and Flannery, called for the yeas and nays, on the adoption of the resolution.

Roll called, and resolution adopted by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Eldred, Fisk, Fulton, Gibson, Green, Hagar, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Payton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Williams, Wilson—31.

NAYS — Messrs. Beard, Flannery, Foulks, Fraser, Ferguson, Hanna, Kennedy, Lyon, of White Pine, Melarkey, Morrison, Shakespeare, Smith, of Lyon, Smyth, of Lander, and Mr. Speaker—14.

Absent—Messrs. Crawford, Davies, Watt, and Wermuth.

#### NOTICE OF BILLS.

Mr. Taylor gave notice, that on to-morrow he would ask leave to introduce a bill regulating Fares and Freights on railroads in this State.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Lyons (of Storey), by leave, introduced Assembly Bill No. 130—An Act relating to Railroads, the termini of which are within the State of Nevada.

Bill read first time, rules suspended, read second time by title, ordered printed and referred to the Committee of the Whole.

Mr. Plummer, by leave, introduced Assembly Bill No. 131—An Act to amend an Act, 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," approved March 8, 1869.

Bill read first time, rules suspended, read second time by title, ordered printed and referred to the Committee on Judiciary.

Mr. Mayhugh, by leave, introduced Assembly Bill No. 132—An Act regulating the powers and duties of the Board of County Commissioners of the several Counties within this State in certain cases.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Judiciary Committee.

On motion of Mr. Fisk, at 12:05 P. M., the House took a recess until 1:15 P. M.

## HOUSE IN SESSION.

1:15 o'clock P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Morrison, by leave, introduced a petition from citizens and taxpayers of Humboldt County to the Legislature of Nevada, and the Humboldt County delegation in the Legislature in particular, to pass and aid in passing the bills known as the Lewis and the Woodburn Railroad Bills.

## REPORT OF JUDICIARY COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 4—An Act to amend an Act, entitled "An Act to secure liens to mechanics and others and to repeal all other Acts in relation thereto," approved March 2, 1875, have had the same under consideration, and beg leave to ask that the said bill be temporarily laid on the table.

Also, Senate Bill No. 97—An Act to amend an Act, entitled "An Act to exempt the Homestead and other property, from forced sale in certain cases," approved March 6, 1865; have considered the same and report favorably, and recommend its passage.

Also, Senate Bill No. 60—An Act to define the duties and liabilities of pawn brokers and pledges; report the said bill without recommendation.

Also, Assembly Bill No. 119—An Act to admit to probate a certain paper purporting to be the last will and testament of A. Benedict, deceased, have had the same under consideration, and beg leave to report the bill back to the Assembly without recommendation.

Also, Senate Bill No. 92—An Act to amend an Act entitled "An Act amendatory of and supplemental to an Act concerning crimes, and punishments," approved November 26, 1861, and all Acts amendatory of and supplemental thereto, approved March 7, 1873, have had the said bill under consideration, and recommend that it do pass.

Also, Senate Bill No. 120—An Act to detect and punish incendiarism. Your Committee have had said bill under consideration, and recommend that it do pass.

Also, Senate Bill No. 65—An Act to amend an Act, entitled "An Act

to redistrict the State of Nevada," approved March 5, 1877, have considered the same. We beg leave to report favorably on the same, with the recommendation that it do pass.

Also, considered Assembly Bill No. 118—An Act amendatory of and supplemental to an Act entitled "An Act concerning crimes and punishments," approved November 26, 1861; approved February 26, 1875. We beg leave to report favorably on the same, with recommendation that it do pass.

U. E. ALLEN, Chairman.

Speaker *pro tem.* in the chair.

#### SPECIAL ORDER.

Assembly Bill No. 120—An Act to regulate the charges for carrying, receiving, handling, and storing of property, and for carrying passengers by Inter-State Railroads within the State of Nevada, and prescribing penalties for the violation of its provisions.

The House adopted the amendment recommended by Committee of insert after the word "ton," in Section 2, line 25, the words "of two thousand pounds."

The other amendments as reported from same Committee were rejected.

Mr. Wilson moved that the further consideration of the bill be postponed until the twenty-sixth instant at 11 A. M.

Motion to postpone lost.

Bill considered engrossed, and read third time.

Mr. Harlow moved the appointment of a Committee of one to amend Section 2, line 25 as follows: Strike out "six" and in lieu thereof insert the word "four."

Messrs. Harlow, Smith (of Lyon), and Underwood, called for the yeas and nays.

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

YEAS—Messrs. Allen, of Storey, Beard, Crawford, Fisk, Fraser, Hagar, Hanna, Harlow, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Price, Prisk, Shakespeare, Smith, of Lyon, Smyth, of Lander, Williams, and Mr. Speaker—26.

NAYS—Messrs. Allen, of Lincoln, Andrews, Eldred, Flannery, Foulks, Fulton, Ferguson, Gibson, Green, Irvine, Plummer, Powell, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wilson—21.

Absent—Messrs. Davies and Wermuth.

Mr. Harlow was appointed as such committee, who reported the bill amended as per instructions.

Mr. Lane moved the previous question.

Carried.

The previous question being on the final passage of Assembly Bill No. 120, roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard,

Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—47.

NAYS—None.

Absent—Messrs. Davies and Wermuth.

On motion of Mr. Harlow, at 3:17 P. M. the House adjourned.

Approved:

H. A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

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## FIFTY-SECOND DAY.

CARSON CITY, February 26, 1879.

The House met at 10:30 A. M.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Davies, Eldred and Wermuth.

Prayer by the Rev. Mr. Weir.

Journal of the fifty-first day read.

Mr. Mayhugh moved that the Preamble and Resolution relative to the Elko County Grand Jury, introduced by Mr. Green, be stricken from the Journal.

Agreed to.

The Journal was then approved.

Mr. Robinson asked leave of absence for Mr. Wermuth for one day.

Granted.

Mr. Crawford asked leave of absence for Mr. Eldred for one day.

Granted.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Enrollment have carefully compared Assembly Concurrent Resolution No. 23, relative to Assembly Bill No. 14, in hands of Governor, and have found the same correctly enrolled; and have, on

the twenty-fifth day of February, 1879, handed the same to the Secretary of State.

Also, have carefully compared Assembly Bill No. 100—An Act to authorize the County Commissioners of Eureka County to pay certain claims.

Also, Assembly Bill No. 64—An Act to regulate the measurement of charcoal, and have found the same correctly enrolled, and have this twenty-sixth day of February, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

Mr. Allen (of Lincoln) moved that Assembly Bill No. 25 be made the special order for the twenty-sixth inst., at 2 P. M.

Agreed to.

*Mr. Speaker :*

Your Standing Committee on Engrossment beg leave to report that they have compared Assembly Bill No. 97, and Assembly Joint Resolution No. 20, with the engrossed copies thereof, and find them correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker :*

Your Committee on Trades and Manufactures have had under consideration Assembly Bill No. 114—An Act entitled "An Act to prevent fraud in the manufacture or sale of all articles of jewelry purporting to be manufactured from or composed of precious metals, viz.: gold or silver," and beg leave to report favorably upon the same, and recommend that it do pass.

S. W. POWELL, Chairman.

*Mr. Speaker :*

Your Standing Committee on Contingent Expenses, to whom was referred Assembly Resolution relative to paying Jerry Schooling for copying reports, have had the same under consideration; have carefully examined the nature of the claim; found it correct and just, and recommend the adoption of the accompanying resolution.

H. VANSICKLE, Chairman.

By Mr. Vansickle:

Assembly Resolution relative to paying Jerry Schooling for copying reports as per report of Committee on Contingent Expenses.

Adopted.

#### REPORT OF SELECT COMMITTEE.

*Mr. Speaker :*

Your Select Committee, comprised of the Storey County Delegation, to whom was referred Assembly Bill No. 87, entitled "An Act to authorize the Mayor and Board of Aldermen of Virginia City to pay the claim of Wm. Cook, having had the same under consideration, beg leave to report the same back to the House, without recommendation.

Also, Assembly Bill No. 88, entitled an Act to authorize the Mayor

and Board of Alderman of Virginia City to pay the claim of John Brickell, beg leave to report they have had the same under consideration, and have directed their Chairman to report the same to the House, without recommendation.

DANIEL LYONS, Chairman.

#### SPECIAL ORDER.

Assembly Bill No. 97—An Act to secure safety to human life in the use of steam in transportation and otherwise.

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

YEAS—Messrs. Allen, of Lincoln, Hanna, Paton, Plummer, Price, Smyth, of Lander, Underwood, and Wilson—8.

NAYS—Messrs. Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Vansickle, Watt, Williams, and Mr. Speaker—38.

Absent—Messrs. Davies, Eldred, and Wermuth.

#### MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
CARSON CITY, February 25, 1879. }

*To the Honorable the Assembly:*

Complying with the request of the Legislature, embodied in Assembly Concurrent Resolution No. 23, I herewith return to your Honorable Body, Assembly Bill No. 14, for the purposes stated in said resolution.

Yours respectfully,

JOHN H. KINKEAD,  
Governor.

#### MOTIONS AND RESOLUTIONS.

By Mr. Plummer:

Assembly Resolution relative to paying the claim of Mayo A. Green-law forty dollars and forty-eight cents for copying Report of the Commissioners for the care of the Indigent Insane.

Referred to the Committee on Contingent Expenses, with instructions to report on the twenty-seventh inst.

Mr. Taylor moved to reconsider the vote by which the House refused to concur in Senate amendment to Assembly Bill No. 115, relative to amending the Act creating a Current Expense Fund for Nye County.

Agreed to unanimously.

Mr. Williams moved that the House concur in Senate amendment to Assembly Bill No. 115.

Agreed to by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Davies, Eldred, and Wermuth.

#### MAJORITY REPORT OF JUDICIARY COMMITTEE.

*Mr. Speaker :*

Your Joint Committee consisting of the Committee on Judiciary and the Committee on Ways and Means, to which was referred Assembly Bill No. 108—An Act to discontinue litigation touching inequitable claims for taxes and penalties, beg leave to submit the following report:

Upon meeting, your committee found that Assembly Bill No. 93, entitled an Act supplemental to an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada," approved March 9, 1865, which had previously been referred to the Judiciary Committee, related to the same subject-matter as Bill No. 108, and therefore it was agreed that both bills should be considered, and reported on by the Joint Committee. The object of Bill No. 93 being to enable the authorities more readily to collect certain taxes claimed to be due the State, which taxes have never been really levied or assessed, while the object of the first section of Bill No. 108 is to forever prohibit the collection of such claimed taxes. The balance of Bill No. 108 refers to certain penalties now due and delinquent. Your Committee heard full statements as to the facts bearing on the proposed legislation, and after full and exhaustive arguments by counsel on both sides, have come to the conclusion, as to Bill No. 93, that no such legislation is needed, the law, as it now stands, being potent for all desirable ends; and as to the first section of Bill No. 108, we believe the object aimed at therein is equitable and just, but think the present law will afford the desired relief, without the interference of the Legislature. As to the remainder of Bill No. 108, it was urged before the Committee that an equity had been raised in favor of certain mining companies, against which companies penalties are sought to be recovered by the proper authorities by reason of the belief entertained by the stockholders of such companies, when they allowed their taxes to become delinquent, that the law under which such taxes were levied would not be maintained by the Courts. And also by reason of certain agreements and promises made between the attorneys for the State and the defendants as to their penalties then pending before the Courts. The following are the material facts shown before the Committee:

During the fall of 1876, suit was instituted by one Forbes, a stockholder to restrain the Assessor of Storey County from collecting taxes on the proceeds of mines due from the Consolidated Virginia and California Mining Companies. Shortly after the institution of that suit, the Legislature of this State convened, and a strong and organized effort was made by those companies to procure a change of the law in their favor. In this they failed.

Shortly after the adjournment of the Legislature, a compromise was effected between the attorneys of the State and of the mining companies, whereby judgment was taken against the said companies for the original tax, where the penalties accrued, with the understanding that upon the payment of the original taxes, no effort should be made until April, 1879, to compel the payment of the penalties, for the purpose of allowing the mining companies to come before this session of the Legislature for the purpose of having such penalties remitted.

Now, after becoming familiar with all of the surrounding circumstances, it seems to your Committee that the companies have not been resting upon the equities, if any existed in their favor, but have by means of their wealth, and owing to the necessities of the State, and by withholding from its treasury moneys justly due, sought unjustly to force legislation for their own benefit, and against the interests of the State and of the people. To submit to such force, it seems to your Committee, is beneath the dignity of a sovereign State, and should not be contemplated seriously for one moment.

The Bills are also open to objection on the grounds of their being in conflict with the Constitution of this State.

Wherefor, the premises considered, the Committee recommend that the whole subject-matter, and the Bills herewith returned, be indefinitely postponed.

U. E. ALLEN, Chairman Judicial Committee.  
J. P. FOULKS, Chairman Ways and Means.

On motion of Mr. Foulks, at 12:07 P. M. the House took a recess until 1:15 P. M.

## HOUSE IN SESSION.

At 1:15 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## SPECIAL ORDER.

Assembly Bill No. 89—An Act relating to the flow of water in the Truckee River.

Postponed until the twenty-seventh instant, at 1:15 P. M.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEVADA, February 26, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Joint Memorial and Resolution No. 29—To the President of the United States, which passed the Senate this day: Yeas, 23; nays, 0.

Also, Senate Concurrent Resolution No. 30, in reference to the gal-

lant services of Hon. James G. Blaine in his advocacy of our interests on the Chinese question, which this day passed the Senate unanimously.

GEO. I. LAMMON,  
Secretary of the Senate.

Senate Concurrent Resolution No. 30, as per Senate message read, amendments made thereto, and adopted as amended unanimously.

Mr. Lyons (of Storey) presented out of order the Minority Report of Joint Assembly Committee on Assembly Bill No. 108.

The majority of this committee having made a report favoring the indefinite postponement of the whole subject-matter of this bill, we, the members constituting the minority of said committee, hereby report and recommend the passage of said bill by the Assembly for the following reasons:

First. Because section one of said bill proposes to discontinue suits which have been brought against several mining companies engaged in mining upon the Comstock Lode in Storey County, for large sums of money, aggregating over one million three hundred thousand dollars, for alleged delinquent taxes from the year 1867 to 1874 inclusive, which taxes were never levied or assessed against said companies, and were never placed on any delinquent list, and were not demanded of such companies at the time when they ought to have been demanded. The evidence adduced before the committee established the fact that all of said companies actually paid to the proper officers of the county of Storey and the State all taxes levied or assessed against them during said years. In view of these facts, and the further fact that the capital stock of said mining companies has in a great measure since the time when such taxes ought to have been levied, assessed, and demanded of them, passed into the hands of parties who derived no benefits from the omission of the officers of the law to levy, assess and demand such taxes. The claim made by the county of Storey for such taxes is grossly unjust and inequitable in our judgment.

Second. The second, third and fourth sections of this bill are designed to remit certain penalties for non-payment of taxes. They apply only to cases where the full amount of taxes and costs has been paid. The parties principally affected by these penalties are the Consolidated Virginia and California Mining Companies of Storey County. In reference to them we find that while litigation in respect to the entire tax was pending, a settlement was made first by the County Commissioners, and afterwards by the county and state officers, by the terms of which, those companies, upon the payment of the taxes and costs were not to be required to pay these penalties; that in pursuance of this agreement, the mining companies on the fifth day of May, 1877, paid all of the taxes then due, with all costs, amounting to over three hundred thousand dollars, and withdrew all litigation; that inasmuch as the litigation might, without a settlement, have been protracted for two or three years, and the finances of the State and County thus kept in a continuous state of embarrassment, it was for the interest of both State and County to make this arrangement. Whether that be so or not, the arrangement having been made; and the mining companies having fairly carried it out on their

part, and the County and State having received the benefit of it, it should now be the latter by the passage of the bill under consideration.

DANIEL LYONS,  
THOS. LANE,  
J. P. SMITH,  
W. B. TAYLOR.

Mr. Mayhugh moved that the majority and minority reports of the Assembly Joint Committee, consisting of the Committee on Ways and Means and the Judiciary Committee, together with Assembly Bills Nos. 93 and 108, be referred to the Committee of the Whole.

Agreed to.

Senate Joint Memorial and Resolution No. 29, as per Senate message.

Bill read first time, rules suspended, read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Davies, Eldred, Howe and Wermuth.

#### SENATE MESSAGES CONTINUED.

SENATE CHAMBER,  
CARSON CITY, NEVADA, February 25, 1879. }

*To the Honorable the Assembly:*

I have the honor to inform your Honorable Body that the Senate this day concurred in Assembly amendment to Senate Joint Memorial and Resolution asking Senators and Representatives in Congress to procure appropriation for the erection of a building to accommodate United States Courts in Carson.

I also return to your Honorable Body, by order of the Senate, Assembly Bill No. 54—An Act making an appropriation for a deficiency in the office of Secretary of State for the thirteenth and fourteenth fiscal years.

Also, Senate Bill No. 82—An Act fixing the salaries of the various county officers in the several counties in this State, and other matters in relation thereto, which passed the Senate this day: Yeas, 18; nays, 5.

Also, Senate Bill No. 115—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 8, 1865, which passed the Senate this day: Yeas, 16; nays, 7.

I also return to your Honorable Body Assembly Bill No. 2—An Act

to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other acts in relation thereto," approved March 2, A. D. 1875, which passed the Senate this day: Yeas, 22; nays, 0.

Also, Assembly Bill No. 8, entitled an Act to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other acts in relation thereto," which was lost in the Senate this day. Yeas, 1; nays, 20.

Also, Assembly Bill No. 19—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, which passed the Senate this day. Yeas, 20; nays, 2.

Also' Assembly Bill No. 40—An Act to amend section 128 of an Act 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;" approved March 8, 1809, which was this day lost in the Senate. Yeas, 4; nays, 17.

Also, Assembly Bill No. 52—An Act to amend an Act entitled "An Act to incorporate Carson City," approved February 25, 1875, which was amended and passed the Senate this day. Yeas, 22; nays, 0.

Also, Assembly Bill No. 75—An Act to prevent breaches of the peace, and to make words actionable in certain cases, which was this day indefinitely postponed by the Senate.

Also, Assembly Bill No. 98—An Act to amend section 220 of an Act 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;" approved March 8, 1869, which was lost in the Senate this day. Yeas, 0; nays, 21.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Mr. Mayhugh moved that Assembly Joint Resolution No. 20—Relative to the manner of electing United States Senators be made the special order for the twenty-eighth instant, at two P. M.

Agreed to.

#### SPECIAL ORDER.

Assembly Bill No. 25—An Act to restrict gaming, and to repeal all other Acts in relation thereto.

The bill having had three several readings, was placed upon its final passage.

Mr. Lyons (of White Pine), Flannery, and Smith (of Eureka) moved the previous question.

Motion for the previous question carried; the previous question being the final passage of Assembly Bill No. 25.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen, of Storey, Andrews, Crawford, Flannery, Foulks, Fraser, Fulton, Gibson, Hagar, Harlow, Irvine, Kennedy, Lane, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Plummer, Powell, Price, Robinson, Sharp, Smith,

of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Williams, Wilson, and Mr. Speaker—32.

NAYS—Messrs. Beard, Ferguson, Green, Hanna, Howe, Lamb, Lawson, Morrison, Prisk, Shakespeare, Smith, of Lyon, Vansickle—12.

Absent—Messrs. Davies, Eldred, Fisk, and Wermuth.

Mr. Kennedy gave notice that on the twenty-seventh instant he would move for a reconsideration of the vote by which Assembly Bill No. 25 passed the House.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Taylor, by leave, introduced Assembly Bill No. 133—An Act to regulate and fix the rates of fares and freights on railroads operated wholly or in part within this State.

Bill read first time, rules were suspended, read second time by title, ordered printed, and referred to Committee of the Whole.

Mr. Lane, by leave, introduced Assembly Bill No. 134—An Act to authorize the Supreme Court, or the justices thereof, to issue restraining orders pending the determination of appeals.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Judiciary Committee.

Mr. Plummer, by leave, introduced Assembly Bill No. 135—An Act supplementary to an Act entitled an Act to amend an Act, entitled "An Act to provide for obtaining correct statements of the financial condition of the several counties of this State and other matters of statistical information."

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Committee on Ways and Means.

Mr. Lyons (of White Pine), by leave, introduced Assembly Bill No. 136—An Act to prohibit the unauthorized use of horses, mules or work oxen.

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

Mr. Mayhugh, by leave, introduced Assembly Bill No. 137—An Act to amend an Act, entitled "An Act to amend an Act in relation to highways," approved March 15, 1875; approved March 2, 1877.

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Judiciary Committee.

Senate Bill No. 62—An Act to encourage and protect the growth of forest and shade trees.

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

Senate Bill No. 114—An Act to amend Sections 551, 554, of an Act entitled "An Act to regulate proceedings in criminal cases in the Courts of Justice in the Territory of Nevada," approved November 26, 1861.

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

Senate Bill No. 111, Substitute for Assembly Bill No. 63—An Act to authorize the employment of criminals confined in the several jails throughout the State.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on State Prison.

Senate Bill No. 113—An Act to amend an Act, entitled “An Act to provide for the erection and maintenance of partition fences,” approved March 6, 1875.

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

Senate Bill No. 119—An Act to provide for the better preservation of the mining records in certain mining districts in this State.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Mines and Mining.

Senate Bill No. 122—An Act to encourage the collection of geological, paleontological, and mineral specimens in this State.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Mines and Mining.

Mr. Allen (of Lincoln), from the Committee of Fourteen, introduced Assembly Bill No. 138—An Act relating to railroads, the termini of which are within the State of Nevada.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Substitute for Senate Bill No. 82—An Act fixing the salaries of the various County officers in the several Counties of this State, and other matters in relation thereto.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 115—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 8, 1865.

Bill read first time, rules suspended, read second time by title, and referred to the Storey County Delegation.

#### GENERAL FILE.

The Assembly concurred in Senate amendments to Assembly Bill No. 55—An Act for the greater security of life by providing for the use of safety cages and iron bonnets in vertical shafts of more than four hundred feet in depth, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Fraser, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyons, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Davies, Eldred, Foulks, Fulton, Ferguson, Smith, of Lyon, Underwood, and Wermuth.

Also in Senate amendment to Assembly Bill No. 4—An Act supplementary to an Act entitled “An Act to provide for the selection of lands that have been or may hereafter be granted by the United States to the State of Nevada,” approved March 5, 1873, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Davies, Eldred, Foulks, Fulton, Ferguson, Smith, of Lyon, Underwood, and Wermuth.

Also, in Senate amendment to Assembly Bill No. 52—An Act to amend an Act entitled “An Act to incorporate Carson City,” approved February 25, 1875, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Fraser, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Davies, Eldred, Fulton, Ferguson, Smith, of Lyon, Smith, of Storey, Wermuth, and Foulks.

Also, in Senate amendments to Assembly Bill No. 19—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, by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Fraser, Flannery, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Davies, Eldred, Foulks, Fulton, Smith, of Lyon, Wermuth, and Lyon, of White Pine.

Assembly Bill No. 54—An Act making an appropriation for a deficiency in the office of the Secretary of State, in the thirteenth and fourteenth fiscal years.

Referred to the Committee of the Whole.

Assembly Bill No. 95—An Act to encourage the sinking of Artesian Wells.

Read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard,

Crawford, Flannery, Foulks, Ferguson, Gibson, Green, Hagar, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Williams, Wilson, and Mr. Speaker—40.

NAYS—Messrs. Fisk, Hanna, and Watt—3.

Absent—Messrs. Davies, Eldred, Fraser, Fulton, Plummer, and Wermuth.

Assembly Bill No. 89—An Act to amend an Act authorizing the Governor of the State of Nevada, to appoint a Private Secretary, defining his duties, and fixing his compensation, approved March 10, 1865.

Amendment reported by the Committee of the Whole, adopted.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Flannery, Foulks, Fraser, Ferguson, Gibson, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Payton, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Wilson, and Mr. Speaker—35.

NAYS—Messrs. Fisk, Green, Hagar, Hanna, Kennedy, Shakespeare, Smith, of Lyon, Watt, and Williams,—9.

Absent—Messrs. Davies, Eldred, Fulton, Plummer, and Wermuth.

Mr. Beard gave notice, that on the twenty-seventh instant he would move for a reconsideration of the vote by which Senate Bill No. 89 passed the House.

Mr. Paton, at 3:50 p. m., moved that the House adjourn.

Motion carried.

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of the Assembly.

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## FIFTY-THIRD DAY.

CARSON CITY, February 27, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Davies, and Wermuth.

Prayer by the Rev. Mr. Weir.

Journal of the fifty-second day read and corrected so as to read: That Assembly Bill No. 138 was ordered printed. The Journal was then approved.

Indefinite leave of absence was granted to Mr. Wermuth.

Mr. Underwood presented a petition from citizens of Washoe County, praying that no further legislation be had, to interfere with the classification and rates on local railroads.

Referred to a Committee of the Whole.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 131—An Act to amend an Act entitled “An Act to regulate proceedings in civil cases in courts of justice of this State, and to repeal all other Acts in relation thereto,” approved March 8, 1869, have had the same under consideration, and beg leave to report favorably on said bill, and recommend it do pass.

Also, Assembly Bill No. 132—An Act regulating the powers and duties of the Board of County Commissioners of the several counties within this State, in certain cases, have had the same under consideration, report favorably on said bill, and recommend it do pass.

Also, Assembly Bill No. 127—An Act to provide for calling an extra term of Court, and to try certain cases, have considered the said bill, report favorably on the same, and recommend its passage.

Also, Assembly Bill No. 128—An Act supplemental to an Act entitled “An Act to authorize and require the payment of rewards in certain cases, approved February 26, 1877, beg leave to report favorably on said bill, and recommend its passage.

Also, Senate Bill No. 118—An Act to admit to probate a certain paper purporting to be the last will and testament of John Larcombe, deceased, have had the said bill under consideration, and report the same back to the House without recommendation.

Also, Assembly Bill No. —, introduced by the Judiciary Committee—An Act for the collection of debts of the sum of twenty-five dollars, and under, recommend, after having had the same under consideration, that it do pass.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Agriculture, to whom was referred Assembly Bill No. 125—An Act to provide for the destruction of noxious animals within the State, have had the same under consideration, and have made some amendments thereto, which are herewith submitted, beg leave to report favorably on the same, with the recommendation that it do pass, as amended.

Also, have considered Assembly Bill No. 126—An Act to create a fence law, and to further protect the agricultural interests of the State; we beg leave to report unfavorably on the same, with the recommendation that it do not pass.

O. P. CRAWFORD, Chairman.

*Mr. Speaker:*

Your Committee on Engrossment beg leave to report that they have compared Assembly Bill No. 60 with the engrossed copy thereof, and find it correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker:*

Your Committee on Military and Indian Affairs, to whom was referred Senate Bill No. 101, entitled "An Act to repeal sections 14 and 15, and to amend section 16 of an Act entitled 'An Act to provide for organizing and disciplining the militia of the State, approved March 4, 1865, have had the same under consideration; we beg leave to report favorably, with the recommendation that it do pass.

M. R. LYON, Chairman.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
CARSON CITY, February 26, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State Assembly Bill No. 64—An Act to regulate the measurement of charcoal.

JOHN H. KINKEAD,  
Governor.

#### MOTIONS AND RESOLUTIONS.

By Mr. Shakespeare:

Assembly Resolution relative to paying Lewis Duncan \$150 for services rendered during the ninth session of the Nevada legislation.

Referred to the Committee on Contingent Expenses.

Leave of absence was granted to Mr. Mayhugh for the remainder of the morning session.

Leave of absence was also granted to Mr. Lyon (of Storey) for one day.

By Mr. Robinson:

*Resolved*, That no member of the House be allowed to speak more than five minutes on any one subject without unanimous consent of this body.

Laid on the table.

Mr. Kennedy, pursuant to previous notice, moved to reconsider the vote by which Assembly Bill No. 25—An Act to restrain gaming, and to repeal all other Acts in relation thereto was passed.

Mr. Speaker ruled the motion out of order.

Mr. Beard appealed from the decision of the chair.

The question being, Shall the decision of the chair stand as the judgment of the House? Messrs. Lane, Smith (of Eureka), and Kennedy called for the yeas and nays.

Roll called, and the House sustained the chair by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Harlow, Irvine, Lamb, Lane, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson—36.

NAYS—Messrs. Eldred, Ferguson, Hanna, Howe, Kennedy, Lawson, Shakespeare, Smith, of Lyon—8.

Absent—Messrs. Davies, Mayhugh, Plummer, and Wermuth.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., February 26, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body Senate Bill No. 52, entitled "An Act to provide for the registration of voters in case of death or resignation of registry agents," which passed the Senate this day. Yeas, 24; nays, 0.

Also, Senate Bill No. 94—An Act to amend an Act relating to elections, approved March 12, 1873, which passed the Senate this day. Yeas, 24; nays, 0.

Also, Senate Bill No. 131—An Act to amend an Act entitled "An Act to create a current expense fund for White Pine County, which became a law March 14, 1877, which passed the Senate this day. Yeas, 23; nays, 0.

Also, Senate Bill No. 130, entitled "An Act to prohibit and punish the killing or branding of stock running at large, by persons not owning the same, which passed the Senate this day. Yeas, 21; nays, 1.

Also, Senate Bill No. 135—An Act repealing all matters relating to copying into an appendix the annual reports of the State officers and other documents, and providing for the deposit of printed copies with the Secretary of State, which passed the Senate this day. Yeas, 22; nays, 0.

I also return to your Honorable Body Assembly Bill No. 96—An Act to amend an Act entitled "An Act to provide revenue for the support of the government of Nevada," approved March 9, 1869, which was this day indefinitely postponed by the Senate.

Also, Assembly Bill No. 1—entitled "An Act to provide for taking care of the Insane of Nevada," which was lost in the Senate this day: Yeas, 7; nays, 17.

Also, Assembly Joint Resolution No. 18—Praying the President of the United States to approve the Chinese Anti-Immigration bill, which was this day indefinitely postponed in the Senate.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Harlow, by leave, introduced Assembly Bill No. 139—An Act directing the gratuitous distribution of certain books by the Secretary of State.

Bill read first time, rules were suspended, read second time by title, and referred to the Committee on State Institutions.

Assembly Bill No. 140—From the Judiciary Committee, "An Act for the collection of debts of the sum of twenty-five dollars or under."

Bill read first time, rules suspended, read second time by title, ordered printed, and referred to the Committee of the Whole.

Senate Concurrent Resolution No. 28—Relative to amendments to the Constitution of the State of Nevada.

Bill read first time.

Leave of absence was granted to Mr. Allen (of Storey), for one half hour.

Senate Bill No. 131—An Act to amend an Act entitled "An Act to create a current expense fund for White Pine County," which became a law March 14, 1877.

Bill read first time, rules suspended, read second time by title, and referred to the White Pine County Delegation.

Senate Bill No. 94—An Act to amend an Act relative to elections, approved March 12, 1873.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Elections.

Senate Bill No. 130—An Act to prohibit and punish the killing or branding of stock running at large, by persons not owning the same.

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

Senate Bill No. 135—An Act repealing all matters relating to copying into an appendix the Annual Reports of the State officers and other documents, and providing further deposit of printed copies with the Secretary of State.

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

Senate Bill No. 52—An Act to provide for the registration of voters in case of the death or resignation of registry agents.

Bill read first time, rules suspended, read second time by title, and referred to the Committee on Elections.

Mr. Robinson moved to take up Assembly Bill No. 92, and place it on the general file.

Agreed to.

On motion of Mr. Allen (of Lincoln), the House at 11:55 A. M. took a recess for one hour.

## HOUSE IN SESSION.

At one o'clock P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## GENERAL FILE.

Senate Bill No. 4—An Act to amend an Act entitled "An Act to secure liens to mechanics and others, and to repeal all other Acts in relation thereto," approved March 2, 1875.

Laid on the table.

Messrs Fisk, Hagar, and Smith (of Eureka), moved a call of the House.

Carried.

Roll called.

Absent without leave—Messrs. Crawford, Foulks, Plummer, Powell, Price, Robinson, and Davies.

Leave of absence was granted Mr. Davies, on account of sickness.

Messrs. Crawford, Robinson, and Price, appeared at the bar of the House, were excused, and permitted to take their seats.

Mr. Mayhugh moved that further proceedings under the call be dispensed with.

Lost.

Messrs. Powell and Foulks, appeared at the bar of the House, were excused and permitted to take their seats.

Mr. Smith (of Lyon), moved that further proceedings under the call be dispensed with.

Lost.

Mr. Hanna moved that the House proceed to business, and that the absent member, Mr. Plummer, be fined one dollar when he appears at the bar of the House, after which he will be permitted to take his seat.

Agreed to.

On motion of Mr. Smith (of Storey), further proceedings under the call were dispensed with.

Assembly Bill No. 91—An Act to pay the claim of H. Knight, assessor of Eureka County.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Harlow, Irvine, Lane, Lawson, Lyon, of White Pine, Mayhugh, Payton, Plummer, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—37.

NAYS—Messrs. Beard, Hanna, Kennedy, Lamb, Lyons, of Storey, Melarkey, Morrison, Powell, and Shakespeare—9.

Absent—Messrs. Davies, Howe, and Wermuth.

Senate Bill No. 60—An Act to define the duties and liabilities of pawnbrokers and pledgees.

Laid on the table.

Senate Bill No. 97—An Act to amend an Act entitled "An Act to exempt the homestead and other property from forced sale, in certain cases," approved March 6, 1865.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of Storey, Lyons, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, and Wilson—44.

NAYS—Mr. Speaker—1.

Absent—Messrs. Davies, Smith, of Eureka, Smith, of Lyon, and Wermuth.

Senate Bill No 92—An Act to amend an Act entitled “An Act amendatory of and supplemental to an Act concerning crimes and punishments,” approved November 28, 1861, and all Acts amendatory of and supplemental thereto, approved March 7, 1873.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—46.

NAYS—None.

Absent—Messrs. Davies, Allen, of Storey, and Wermuth.

#### SPECIAL ORDER.

Assembly Bill No. 89—An Act relating to the flow of water in the Truckee River.

On motion of Mr. Allen (of Lincoln), the bill was placed on its final passage.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Harlow, Irvine, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—35.

NAYS—Messrs. Fisk, Green, Hagar, Hanna, Howe, Kennedy, Lamb, Lawson, Plummer, and Prisk—10.

Absent—Allen, of Storey, Davies, Shakespeare, and Wermuth.

Mr. Melarkey moved that the House resolve itself into the Committee of the Whole for the consideration of bill, referred to said Committee.

Agreed to.

Mr. Melarkey in the chair.

In time the Committee arose and reported back Assembly Bill No. 138—An Act relating to Railroads, the termini of which are within the State of Nevada, and recommended that it be laid on the table.

Also, Assembly Bill No. 82—An Act fixing the salaries of the various County officers in the several Counties of this State, and other matters in relation thereto.

Made amendments thereto, reported progress, and asked leave to sit again.

Mr. Speaker in the chair.

On motion of Mr. Fisk the report of Committee of the Whole was adopted.

Mr. Fisk moved that the House resolve itself into the Committee of the Whole for the further consideration of Senate Bill No. 82.

Motion lost.

GENERAL FILE.

Senate Bill No. 120—An Act to detect and punish incendiarism.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Robinson, Sharp, Smith of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—Messrs. Allen, of Storey, Crawford, Lane, Melarkey, and Prisk—5.

Absent—Messrs. Davies, Shakespeare, and Wermuth.

Senate Bill No. 65—An Act to amend an Act, entitled "An Act to redistrict the State of Nevada," approved March 5, 1877.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Williams, Wilson, and Mr. Speaker—44.

NAYS—Mr. Beard—1.

Absent—Messrs. Davies, Shakespeare, Vansickle, and Wermuth.

Senate Bill No. 121—An Act concerning apprentices.

Bill read third time and referred to the Committee of the Whole.

Mr. Williams, out of order and by leave of the House, introduced Assembly Bill No. 141—An Act to provide for the payment of claim of J. Eldredge.

Bill read first time.

Mr. Harlow, at 3:45 P. M., moved to adjourn.

Carried.

Approved:

HENRY A. GASTON,

Speaker of the Assembly.

Attest: J. M. WOODWORTH,

Chief Clerk of the Assembly.

## FIFTY-FOURTH DAY.

CARSON CITY, February 28, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Davies, and Underwood.

Prayer by the Rev. Mr. Weir.

Leave of absence was granted to Mr. Underwood until Monday the third proximo.

Journal of the fifty-third day read and approved.

Mr. Smith (of Lyon) presented a petition from citizens of Lyon County, requesting their representatives in the Nevada Legislature to oppose the passage of the bill known as the Woodburn bill, regulating Fares and Freights on local Railroads.

Laid on the table, to be taken up during the consideration of Assembly Bill No. 138.

Mr. Mayhugh presented the following petition, which was ordered spread on the Journal.

To the members of the Assembly and Senators from Elko, and to all members of the Legislative Body, now in session in Carson City.

The undersigned, citizens of Elko County, residing at Cornucopia, condemning and repudiating the action of the Grand Jury of this County, wherein, under the prestige of their position as Grand Jurors, they have sought to influence and dictate the course which said members should follow with reference to the regulation of Fares and Freights on the State and Inter-State Railroads in operation in the State of Nevada, do present the said Grand Jury, and each and every member thereof, to the scorn and contempt of all good citizens, and represent as follows:

That said Grand Jury possessed no other and greater powers, and the statutory right to make no other indictment, presentment, or report, than comes within the letter of the following sections of the laws of the State of Nevada:

That the said Grand Jury exceeded the powers vested in them, and prostituted the province of Grand Jurors to individual and local gain and agrandizement,

In this, a petition was published, signed A. Gedney, Foreman; J. P. Edoff, Secretary, and certified to by O. E. Green, County Clerk, as an official copy, asking the Elko County members of the Legislature not to vote for any bill having for its object the reduction of Freights and Fares on State and Inter-State Railroads, stating that they, the said members, would not violate any pledge given to the people, by so doing, when they well knew that both political parties pledged their candidates to vote for said reduction of freights and fares, wherefore, it is *resolved*:

First. That the voice of the people of Elko County has been for the last six years unanimous in support of the right and duty of the Legislature to regulate and reduce the rates of freights and fares on all railroads within the State of Nevada.

Second. That the rates of freights and fares on railroads in the State of Nevada, are, and always have been, exorbitant and extortionate.

Third. That every Assemblyman and Senator in the Legislature, stand pledged to vote for a bill reducing freights and fares.

Fourth. That the Grand Jury assumed political power, and thus exceeded their authority, and violated their oaths, and that they absolutely mistated the will and wish of the political body of Elko County.

Fifth. That mining is the great industrial pursuit of Elko County and of our entire State, and that without the development of our mines, its agricultural resources would be worthless.

Sixth. That the development of our mines has for years been greatly retarded by the exorbitant rates of transportation, and our people impoverished, by the tribute paid to the Central Pacific and the local railroads.

Seventh. That we demand of our delegation in Carson City to stand firm, and be true to the pledges made before the election, and that they support to the last a bill regulating, restricting, and reducing freights and fares on all railroads now or hereafter to be in operation within the State of Nevada.

*Resolved*, That by the hasty and unlawful action of said Grand Jury, they have laid themselves open to the charge of being unduly influenced both before their meeting as Grand Jurymen, and while in session.

*Resolved*, That copies of these Resolutions be forwarded to the Elko delegation in Carson City, and that they be requested to cause the same to be spread upon the Journal of both Houses.

To the above Resolution, we, the citizens of Cornucopia, hereby subscribe our names to the number of one hundred and seven as per petition.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Enrollment have carefully compared Assembly Bills Nos. 55, 19, 4, and 2, and have found the same correctly enrolled, and have this day, February 27, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

*Mr. Speaker:*

Your Committee on State Institutions, to whom was referred Assembly Bill No. 124—An Act to amend section two of an Act to provide for the purchase of certain supplies for State officers and attaches of the Legislature, have considered the same, and recommend its passage.

Also, Assembly Bill No. 139—An Act directing the gratuitous distribution of certain books by the Secretary of State, have considered said bill, beg leave to report unfavorably on the same, with the recommendation that it do not pass.

E. N. UNDERWOOD, Chairman.

*Mr. Speaker :*

Your Committee on Judiciary, to which was referred Assembly Bill No. 114—An Act to amend sections five hundred and fifty-one, and five hundred and fifty-four of an Act entitled "An Act to regulate proceedings in criminal cases in the Territory of Nevada," approved November 26, A. D. 1861, have had the said bill under consideration, and beg leave to report favorably on the bill, and recommend that it do pass.

Also, Assembly Bill No. 134—An Act to authorize the Supreme Court, or the Justices thereof, to issue restraining orders pending the determination of appeals, have duly considered the said bill, and recommend that it do not pass.

Also, Assembly Bill No. 137—An Act to amend an Act entitled "An Act to amend an Act in relation to highways," have had the same under consideration, and beg leave to report the same favorably, and recommend it do pass.

Also, Assembly Bill No. 85, entitled "An Act to aid the Nevada Building Association in providing means for the construction of an Insane Asylum, or other public building in this State," we respectfully submit the following:

We find that none of the provisions of the above entitled bill conflict in any manner with Section 24 of Article IV. of the Constitution of the State of Nevada, which prohibits the State from authorizing lotteries. This section is borrowed from the Constitution of the State of California. The Legislature of California, in February, 1870, passed an Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness, containing provisions similar to those embodied in the bill under consideration; yet the constitutionality of the measure after it went into operation was questioned by reference to the debates in the convention which framed the Constitution of the State of California, it is evident that the provision prohibiting the State from authorizing lotteries was intended to prevent the State, and not individuals or associations from raising revenues by means of lotteries. When statutes were in force in the State of California prohibiting lotteries, it was held by the Supreme Court of the State of California, in the case of *ex parte Smith*, in the fortieth volume of California Reports, that gift concerts and entertainments such as are mentioned in the proposed bill are not lotteries; and that the Act to aid the Mercantile Library Association did not repeal former Acts prohibiting lotteries, or the sale of lottery tickets. Having full confidence in the constitutionality of this bill, and considering the benefits that must necessarily accrue to the public from its passage, we recommend that it do pass.

U. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Agriculture, to which was referred Senate Bill No. 62—An Act to encourage and protect the growth of forest and shade trees, have had the same under consideration, and recommend that said bill do not pass.

Also, Senate Bill No. 113—An Act to amend an Act entitled "An Act to provide for the erection and maintenance of partition fences," approved March 6, 1875; have considered the same, and recommend that it do not pass.

Also, Assembly Bill No. 136—An Act to prohibit the unauthorized use of horses, mules, or work-cattle; have considered the same, and recommend its passage.

O. P. CRAWFORD, Chairman.

*Mr. Speaker:*

Your Committee on Mines and Mining Interests have had under consideration Senate Bill 119—An Act entitled "An Act to provide for the

better preservation of the mining records in certain mining districts in this State," and beg leave to report favorably upon the same, and recommend that it do pass.

J. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Committee on Mines and Mining Interests have had under consideration Senate Bill No. 122—An Act entitled "An Act to encourage the collection of geological, paleontological, and mineral specimens in this State," and beg leave to report favorably upon the same and recommend that it do pass.

J. E. ALLEN, Chairman.

*Mr. Speaker:*

Your Special Committee, comprised of the Storey County Delegation, have had under consideration Senate Bill No. 115, and beg leave to report on the same, with a recommendation that it do pass.

DANIEL LYONS, Chairman.

*Mr. Speaker:*

Your Committee on Ways and Means, to whom was referred Assembly Bill No. 122, entitled "An Act to amend an Act entitled 'An Act requiring persons slaughtering horned cattle to keep the hides and ears ten days, and punishing a failure so to do,'" have had the same under consideration, have amended the same, and recommend its passage as amended.

Also, Senate Bill No. 88, entitled "An Act transferring the unappropriated balance in the State Building Fund to the General Fund of the State."

Also, Senate Bill No. 103—An Act to amend an Act entitled "An Act to preserve wild game, and to repeal all other Acts in relation thereto," approved February 23, 1877.

Also, Assembly Bill No. 135—An Act supplementary to an Act entitled "An Act to amend an Act entitled 'An Act to provide for obtaining correct statements of the financial condition of the several counties of this State, and other matters of statistical information,'" have had the same under consideration, and beg leave to report favorably on them, with the recommendation that they do pass.

J. P. FOULKS, Chairman.

#### MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT,  
CARSON CITY, February 27, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bill No. 100—An Act to authorize the County Commissioners of Eureka County to pay certain claims.

JOHN H. KINKEAD,  
Governor.

## MOTIONS AND RESOLUTIONS.

By Mr. Shakespeare:

Assembly Concurrent Resolution No. 24, thanking the Legislature of Illinois for memorializing their Representatives in Congress toward the passage of the Anti-Chinese bill.

Amendments made thereto, and adopted unanimously as amended.

By Mr. Robinson:

*Resolved*, That on and after the twenty-eighth instant, this House shall meet regularly at the hour of ten o'clock A. M. of each legal day, until the end of the present session of the Assembly.

Laid over under the rules.

By Mr. Wilson:

*Resolved*, That the time for introduction of bills be extended to the fifty-sixth day of this session.

Laid on the table.

By Mr. Mayhugh:

*Resolved*, That the several standing committees of this House be and they are hereby directed to report back all bills now before them, or that may hereafter be referred to such committees, to this House for its final action on or before the morning of March the 5th, 1879.

Adopted.

## SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., February 27, 1879. }

*To the Honorable the Assembly:*

I have the honor to return to your Honorable Body, Assembly Bill No. 23 entitled "An Act to prohibit the employment of Chinese and Mongolians," its transmission to this body not being regular.

Also, Senate Bill No. 128 entitled "An Act to discontinue litigation touching inequitable claims for taxes and penalties," which passed the Senate this day: Yeas, 14; nays, 10.

Also, Senate Bill No. 157, entitled "An Act authorizing the County Commissioners of Eureka County to pay the claim of C. M. Bennett," which passed the Senate this day: Yeas, 21; nays, none.

Also, Assembly Bill No. 58, entitled "An Act to provide for the purchase and distribution of Hawley's Digest of the Nevada Supreme Court Reports and Sawyer's Circuit Court Reports," which passed the Senate this day: Yeas, 15; nays, 9.

Also, Senate Bill No. 145—An Act to provide for recording all contracts and agreements entered into by and between the State of Nevada and any person, persons, company, or corporation, which passed the Senate this day: Yeas, 24; nays, none.

I also return to your Honorable Body, Assembly Bill No. 105—An Act in relation to special taxes, which passed the Senate this day: Yeas, 21; nays, none.

Also, Assembly Bill No. 84—An Act to amend an Act entitled "An Act concerning vagrancy and vagrants," which was this day indefinitely postponed by the Senate.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

#### SECOND READING OF BILLS.

Assembly Bill No. 141—An Act for the relief of Z. S. Eldredge.

On motion of Mr. Allen (of Lincoln) leave was given Mr. Williams to withdraw the bill.

Mr. Williams refused.

Mr. Speaker ruled that Assembly Bill No. 141 could not be introduced without five days' notice and leave of two thirds of the Assembly.

Mr. Williams then withdrew the bill.

Senate Concurrent Resolution No. 28, relative to amendments to the Constitution of the State of Nevada.

Bill read second time, and referred to the Judiciary Committee.

#### FIRST READING OF BILLS.

Senate Bill No. 145—An Act to provide for recording all contracts and agreements entered into by and between the State of Nevada, and any person, persons, company, or corporation.

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

Senate Bill No. 128—An Act to discontinue litigation touching inequitable claims for taxes and penalties.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole, and made the special order for Monday, the third proximo, at 1:15 P. M.

Senate Bill No. 58—An Act to provide for the purchase and distribution of Hawley's Digest of the Nevada Supreme Court Reports and Sawyer's Circuit Court Reports.

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

On motion of Mr. Taylor, at 12 M., the House took a recess until 1:15 P. M.

#### HOUSE IN SESSION.

1:15 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Leave of absence was granted to Mr. Paton for the remainder of the afternoon.

Also, to Mr. Williams, for the first proximo.

Mr. Morrison moved that the House resolve itself into the Committee of the Whole, for the consideration of bills referred to said committee, with the Speaker *pro tem.* in the chair.

Lost.

#### REPORTS OF SELECT COMMITTEES.

Mr. Crawford, by leave, presented the following reports:

*Mr. Speaker:*

Your Committee, to whom was referred the foregoing resolution, have had the same under consideration, and respectfully submit the following report:

In April, 1876, the taxes of the California and Consolidated Virginia Mining Companies, having gone delinquent, and the companies having refused to pay the same, suits were brought in the District Court, Storey County, Nevada, to enforce collection. In addition to the tax, there became due, upon the institution of suits, an additional sum of five per cent. for attorneys' fees, and twenty-five per cent. penalties for delinquency and suit. The taxes due, were \$207,033. The penalties due, were \$62,109.

Sometime in June, 1876, the companies, and the County Commissioners, acting for Storey County, and the Controller of State, acting for the State, with the consent of the then District Attorney, and Messrs. Lewis and Deal, settled these suits upon the following terms: The defendants to pay the sum due for taxes; the sum due for penalties to be remitted; the suits to be dismissed, and all litigation to cease.

It was the understanding of those representing the State and County, and it was, we are informed, expressly agreed, that no further litigation should be had, and that thereafter the companies should pay their taxes as they became due. In July, 1876, almost immediately after this settlement, in violation of this understanding, and in bad faith to the State and County, these mining companies procured one Forbes, an alien, and stockholder of both companies, to institute actions in the Circuit Court of the United States, to enjoin Gracy, the Assessor of Storey County, from collecting the taxes due for the quarter ending June thirtieth, 1876.

By these actions it was sought to restrain the Assessor from collecting the tax. Upon the hearing the Circuit Court denied the injunction, and judgments were given against the complainants, and in favor of Gracy, who represented the State. From these judgments an appeal was taken to the Supreme Court of the United States.

The injunction having been denied, and the judgments having been for the Assessor, and in favor of the State, there was no longer any restraint upon the State authorities, and nothing to prevent them from enforcing, by all the methods of the law, the payment of the taxes due. The appeal to the Supreme Court of the United States in no manner affected the State's right to collect its taxes, and all pretense to the contrary is false. On the thirtieth day of September, 1876, another quarter's tax became due; December 31, another; and on March 31, 1877, still another.

After the Circuit Court of the United States had decided the cases in favor of the State, and from time to time as the taxes became delin-

quent, suits were brought in the State Court to enforce collection. These suits were all pending on the fifth day of May, 1877. The suits of Forbes v. Gracey, appealed from the Circuit Court for the District of Nevada, were also pending in the Supreme Court at Washington.

On the fourth of May, 1877, the general attorney of the California and Consolidated Virginia companies, then being at Washington City, telegraphed advising settlement of the tax suits. Whereupon John R. Kittrell, then Attorney-general of the State, and Attorney of Record for the State in these cases, was advised of the desire of the defendants to make some settlement of the cases, and requested to proceed immediately to Virginia City to that end. He there met Messrs. R. S. and W. S. Mesick, who represented the defendants in the absence of the general attorney of the companies; and Messrs. Lewis and Deal, and F. V. Drake, then District Attorney, who, with himself and Robert M. Clarke, represented the State of Nevada and the County of Storey, when the following proposition to settle the pending suits was submitted: "Defendants to pay all the taxes, leaving the courts to pass upon and determine the legality of the penalties; and if the Court should hold the penalties legal, a stay of execution until the meeting of the Legislature."

General Kittrell requested time to consult Mr. Clarke, who was not present, and to make up his mind to accept or reject the proposition, and it was agreed that any action in the premises should be deferred until two o'clock p. m. of the next day. But so anxious were the defendants to consummate the settlement, that at ten o'clock the next morning, four hours before the appointed time, without waiting for General Kittrell or procuring his final assent, counsel for defendant, with Messrs. Lewis and Deal, acting for the State, went into Court and caused judgment to be entered, not in conformity, however, with the proposition made to General Kittrell above stated, but in the terms following, which, it will be observed, is by no means a relinquishment or abandonment of the penalties, but only a withdrawal of them from the present consideration of the Court.

SATURDAY, May 5, 1877.

THE STATE OF NEVADA v. THE CALIFORNIA MINING COMPANY, ET AL.

Order for judgment, etc.

This cause coming on regularly for hearing by consent of parties, at this day, now come said parties in open Court, by their respective attorneys, F. V. Drake, District Attorney, and Messrs. Lewis & Deal, for plaintiff, and R. S. & W. S. Mesick, for defendant. And the said plaintiff, by consent of defendant, withdraws its claim from the consideration of the Court for the penalties mentioned in the complaint in said Court, and take judgment for the sum of forty-four thousand eight hundred and seventy-six dollars and seventy-four cents, the tax sued for, and fifteen hundred dollars, District Attorney's fees, and usual costs of suit. Wherefore, it is ordered and adjudged that the plaintiff have and recover in this action of and from the defendant the sum of forty-six thousand three hundred and sixty-seven dollars and seventy-four cents, and costs of suit, and that judgment be entered herein accordingly.

On Sunday, the sixth day of May, 1877, one day after the judgment was entered, it was telegraphed from Washington City to San Francisco, and published there in the morning papers of that day that the Supreme Court of the United States had decided the cases of Forbes v. Tracy in favor of the State.

This fact will enable you to comprehend the anxiety of the defendants to settle these suits, and their failure to stand by the understanding which they had with General Kettrell that judgment should not be entered until two o'clock p. m. of May 5. It will also, when coupled with the fact that the attorney of the defendants was at Washington City, and on the fourth of May telegraphed the defendants to settle their suits, enable you to see that in the whole matter the State was overreached and injured by the settlement, and that the claim of fairness and generosity put forth by the companies is a bare-faced sham. With respect to the facts mainly relied upon to support the claim for relief, the truth is as follows:

The sums of money agreed to be paid into the Treasury of Storey County by agreement of the County Commissioners, March 7, 1877 (except \$80,000 afterwards, and on May 5, 1877, repaid), were never paid, and the agreement to pay such sums was made to induce, and did induce, the Commissioners of Storey County to reduce the proposed levy of taxes for county purposes from \$1.50 on each \$100 valuation to 50 cents on each \$100 valuation, an act which operated enormously to the profit and advantage of the mining corporations, and an act which was not done with the concurrence or sanction of the State authorities, but was strenuously opposed by the District Attorney of Storey County and the Attorney-general of this State. It was the expectation and belief entertained by the State authorities, and especially by the attorney really acting for the State, that the refusal on the part of the County Commissioners to accept the offers from the corporations would operate to compel the payment of all the taxes due, because the difference between a levy of 50 cents and \$1.50 was of more consequence to the companies than the entire amount involved. The sum of money, to wit, the \$80,000 paid under this agreement with the County Commissioners was advanced as a loan, and was repaid to the companies out of the sums paid for taxes (on the judgment) on May 5, 1877, and no other sum was advanced to the County under the agreement of March 17. Furthermore, the agreement of March had nothing to do with the penalties before then accrued, and was not intended to affect them in the least, but related exclusively to penalties thereafter expected to accrue.

The fact relied upon that the mining companies urged speedy decision of the cases pending at Washington, although true, is nothing in their favor, but such speedy decision was a matter of favor to them, for the reason that there was nothing to obstruct the State in bringing suits or availing itself of whatever remedies it had for the collection of its taxes. Notwithstanding the pendency of the suits in the United States Supreme Court, the State could sue, and did sue, and the whole urgency was on the part of the defendants, and at the instance of the defendants, and in the interest of these companies. Besides, in one respect such urgency might have proved exceedingly detrimental to the State, because there was one question involved in the cases of *Forbes v. Gracey*, concerning the interpretation of a statute of this State, which had not been finally decided by the Supreme Court of the State, and which the State authorities desired should be decided by our Court before the cases were brought to a final hearing at Washington. The decision by the Supreme Court of Nevada upon that point would have been conclusive upon the Supreme Court of the United States, and it was, as we believed, to obviate this decision, and with a hope of securing a favorable result in *Forbes v. Gracey*, and thus preventing the collection of

taxes at all that the defendants were so urgent to bring the cases forward.

It is undeniable that the California and Consolidated Virginia Mining Companies are indebted to the State in the sum of ninety-five thousand eight hundred and thirty-three dollars for penalties which accrued by reason of their refusal to pay their taxes when due. It is also undeniable that this sum was never remitted by the State, or agreed to be remitted by those representing the State. It is further the truth of the law that no one had authority to remit or to agree to remit this sum, or any part of it; and that any such agreement made or attempted to be made would have been utterly void.

Now, upon what right or principle do these mining corporations justify the passage of a bill to relieve them from paying ninety-five thousand eight hundred and thirty-three dollars which they owe to the State? It can only be upon one of two grounds: either that they do not owe the money, or that there is some equity existing in their favor of sufficient consequence to justify the Legislature in taking out of the State Treasury and giving to them ninety-five thousand eight hundred and thirty-three dollars of the people's money. If they are not legally liable, the proposed legislation is unnecessary, because in that case the demand cannot be enforced, and the Court will so decide. If they are legally liable, then nothing remains but the question of equity.

Let us consider this. They have not only withheld from the State, and had the use and benefit of the sum involved, to wit: ninety-five thousand eight hundred and thirty-three dollars, for now nearly two years, but by their refusals to pay the taxes legally assessed and justly due from them, they withheld from the State, and had the use and benefit of the original tax upon which these penalties accrued, amounting to over three hundred thousand dollars.

There is certainly no equity in their favor in this. Not only have they kept the State and County out of these large sums of money justly due, but by their action they have necessitated the employment of counsel at great expense to the State, and have necessitated the expenditure of other sums of money of no inconsiderable amount. By the compromise which was made in June, 1876, the spirit of which they afterward violated by causing the suits of *Forbes v. Gracey* to be brought, and by refusing to pay their accruing taxes, they obtained a permanent advantage of the State and County in the sum of sixty-two thousand one hundred and nine dollars, the amount of the penalties remitted in the first cases, which penalties are not involved in the pending suits, but were absolutely remitted and donated by the State to the companies.

If the attorney of the companies, who was at Washington, and who telegraphed his clients, the mining companies, to settle their tax suits, had knowledge that the decision was adverse to his clients, and used such knowledge to the advantage of his clients, or the disadvantage of the State, surely this would not be claimed as an equity in favor of the companies, or in support of the relief which they now demand.

Of the total amount due, \$44,232 belongs to the State, and \$51,833 belongs to the County of Storey.

All the questions of law and equity, and right, involved in the matters submitted to, and reported on by your committee, are now in the Supreme Court of this State, and your committee recommend that they

be permitted to be passed upon, and finally determined by that august tribunal.

O. P. CRAWFORD, Chairman,  
F. E. HAGAR,  
H. VANSICKLE.

Report ordered printed.

GENERAL FILE.

Mr. Allen (of Lincoln) moved to suspend the rules, and take up un-engrossed Assembly Bills.

Agreed to.

Assembly Bill No. 107—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, approved March 11, 1867, approved March 4, 1871, approved February 20, 1873, approved February 20, 1877.

Ordered engrossed.

Assembly Bill No. 44—An Act to provide for the payment of a license tax to the State of Nevada, by commercial travelers and others.

Laid on the table.

Assembly Bill No. 36—An Act to regulate Fares and Freights upon Railroads whose lines are wholly, or in part, within the State of Nevada.

Amendments reported by committee adopted, and bill ordered engrossed.

Assembly Bill No. 49—An Act to regulate Fares and Freights upon Railroads whose lines are wholly, or in part, within this State, and to prevent extortion and discrimination on the same.

Laid on the table.

Assembly Bill No. 114—An Act to prevent fraud in the manufacture or sale of all articles of jewelry purporting to be manufactured from or composed of precious metals, viz., gold or silver.

Ordered engrossed.

Assembly Bill No. 88—An Act to authorize the Mayor and Board of Aldermen of the city of Virginia, to pay the claim of John Brickell.

Indefinitely postponed by the following vote;

YEAS — Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Vermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—Mr. Beard—1.

Absent—Messrs. Davies, Lyons, of Storey, Paton, Underwood, and Watt.

Assembly Bill No. 87—An Act to authorize the Mayor and Board of Aldermen of the city of Virginia, to pay the claim of Wm. Cook.

Laid on the table.

Assembly Bill No. 132—An Act to regulate the powers and duties of the Board of County Commissioners of the several counties within this State in certain cases.

Ordered engrossed.

Assembly Bill No. 131—An Act to amend an Act 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," approved March 8, 1869.

Ordered engrossed.

Assembly Bill No. 125—An Act to provide for the destruction of noxious animals within this State.

Amendments reported by committee adopted, and bill ordered engrossed.

Assembly Bill No. 126—An Act to create a fence law, and to further protect the agricultural interest of the State.

Laid on the table.

Assembly Bill No. 116—An Act for the relief of Mrs. A. Whitford and H. W. Putnam.

The House refused to adopt the amendment reported by the Committee of the Whole.

Assembly Bill No. 116 ordered engrossed.

Assembly Bill No. 118—An Act to amend sections 74 and 75 of an Act amendatory of and supplemental to an Act entitled "An Act concerning crimes and punishments," approved November 26, 1861; approved February 26, 1875.

Ordered engrossed.

#### SPECIAL ORDER.

Assembly Joint Resolution No. 20, relative to the manner of electing United States Senators.

Messrs. Fisk, Allen, of Lincoln, and Lane moved the previous question.

Carried.

The previous question being the final passage of the Joint Resolution.

Roll called, and Joint Resolution No. 20 passed by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Beard, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Mayhugh, Morrison, Plummer, Price, Shakespeare, Smith, of Storey, Smyth, of Lander, Taylor, Watt, and Williams—29.

NAYS—Messrs. Allen, of Lincoln, Crawford, Fisk, Lane, Melarkey, Powell, Prisk, Robinson, Sharp, Smith of Eureka, Smith, of Lyon, Vansickle, Wilson, and Mr. Speaker—14.

Absent—Messrs. Davies, Hagar, Lyon, of White Pine, Paton, Underwood, and Wermuth.

Assembly Bill No. 23—An Act to prohibit the employment of Chinese and Mongolians, was, on motion of Mr. Mayhugh, referred to a Special Committee of three, consisting of Messrs. Mayhugh, Allen, of Lincoln, and Hanna, with instructions to report a new bill on the morning of the first proximo.

Assembly Bill No. 103—An Act to appropriate money for the payment of certain claims against the State of Nevada.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Eldred, Fisk, Flannery, Fraser, Fulton, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Morrison, Plummer, Powell, Price, Prisk, Robinson, Smith, of Eureka, Smith, of Storey, Taylor, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—33.

NAYS—Messrs. Allen, of Storey, Beard, Crawford, Foulks, Ferguson, Lyons, of Storey, Melarkey, Shakespeare, Sharp, Smith, of Lyon, Smyth, of Lander, and Vansickle—12.

Absent—Messrs. Davies, Hagar, Paton, and Underwood.

Assembly Bill No. 71—An Act to provide a supply of water for the Capitol and for the State Orphans' Home.

Bill read third time, amendments made thereto, and bill ordered engrossed.

Assembly Bill No. 122—An Act to amend an Act entitled "An Act requiring persons slaughtering horned cattle to keep the hides and ears ten days, and punish a failure so to do."

Amendment reported by Committee adopted, and bill ordered engrossed.

Assembly Bill No. 134—An Act to authorize the Supreme Court or the Justices thereof to issue restraining orders pending the determination of appeals.

Laid on the table.

Assembly Bill No. 136—An Act to prohibit the unauthorized use of horses, mules, or work cattle.

Ordered engrossed.

Assembly Bill No. 137—An Act to amend an Act entitled an Act to amend "An Act in relation to highways," approved March 15, 1875; approved March 2, 1877.

Ordered engrossed.

Assembly Bill No. 85—An Act to aid the Nevada Building Association in providing means for the construction of an Insane Asylum in this State.

Ordered engrossed.

Assembly Bill No. 92—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; approved March 11, 1867; approved March 3, 1869; approved March 4, 1871; approved February 20, 1873; approved February 20, 1877.

Bill read third time; amended by Special Committee.

Mr. Gibson moved to lay Assembly Bill No. 92 on the table until after the consideration of Senate Bill No. 82.

Lost.

Mr. Allen (of Lincoln) moved to lay the bill temporarily on the table. Agreed to.

Assembly Bill No. 60—An Act to create a State Board of Examination was, on motion of Mr. Mayhugh, indefinitely postponed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Foulks, Fraser, Fulton, Hagar, Kennedy, Lawson, Mayhugh, Melarkey, Morrison, Plummer, Prisk, Shakespeare, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, and Mr. Speaker—23.

NAYS—Messrs. Beard, Fisk, Flannery, Ferguson, Gibson, Green, Hanna, Howe, Irvine, Lamb, Lane, Lyons, of Storey, Lyon, of White Pine, Powell, Price, Robinson, Sharp, Smith, of Eureka, Taylor, Wermuth, Williams, Wilson—22.

Absent—Messrs. Davies, Harlow, Underwood, and Paton.

Assembly Bill No. 123—An Act to provide for the purchase of three hundred copies of the Homographic Chart of the State government of Nevada for the year 1879.

Mr. Smith (of Lyon) presented the following communication from the Secretary of State:

*To the Honorable the Assembly :*

I hereby beg leave to state to your Honorable Body that the Homographic Chart of the State Government, published by Ben. Stern, contains information for which there is constant application from abroad to the office of the Secretary of State, and that a supply of said charts in that office would be found a great convenience in answering said applications and disseminating such information.

JASPER BABCOCK,  
Secretary of State.

Mr. Hanna moved the indefinite postponement of Assembly Bill No. 123.

Roll called, and motion lost by the following vote:

YEAS—Messrs. Beard, Crawford, Eldred, Fulton, Ferguson, Gibson, Green, Hanna, Irvine, Kennedy, Lamb, Lawson, Melarkey, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Vansickle, and Mr. Speaker—21.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Fisk, Flannery, Foulks, Fraser, Hagar, Harlow, Lane, Mayhugh, Morrison, Plummer, Smith, of Eureka, Smith, of Storey, Smith, of Lyon, Smyth, of Lander, Watt, Wermuth, Williams, Wilson—21.

Absent—Messrs. Davies, Howe, Lyons, of Storey, Lyon, of White Pine, Paton, Taylor, and Underwood.

Assembly Bill No. 123 considered engrossed, read third time, and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Fisk, Flannery, Foulks, Green, Hagar, Harlow, Lane, Lyons, of Storey, Mayhugh, Morrison, Plummer, Prisk, Smith, of Eureka, Smyth, of Lander, Taylor, Watt, Wermuth, Wilson—21.

NAYS—Messrs. Beard, Crawford, Eldred, Fraser, Fulton, Ferguson, Gibson, Hanna, Howe, Irvine, Kennedy, Lamb, Lawson, Melarkey, Powell, Price, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith of Storey, Vansickle, and Mr. Speaker—23.

Absent—Messrs. Davies, Lyon, of White Pine, Paton, Underwood, and Williams.

Assembly Bill No. 102—An Act amendatory of an Act entitled “An Act concerning the office of Surveyor-General.”

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

YEAS—Messrs. Allen, of Lincoln, Eldred, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Melarkey, Morrison, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Taylor, Vansickle, Wermuth, Williams, Wilson—29.

NAYS—Messrs. Allen, of Storey, Beard, Crawford, Fisk, Flannery, Fraser, Hagar, Lyons, of Storey, Smyth, of Lander, and Mr. Speaker—10.

Absent—Messrs. Andrews, Davies, Foulks, Mayhugh, Paton, Plummer, Smith, of Eureka, Smith, of Storey, Underwood, and Watt.

Assembly Bill No. 119—An Act to admit to probate a certain paper purporting to be the last will and testament of A. Benedict, deceased.

Considered engrossed, and read third time. Pending the final passage of which, Mr. Powell was granted leave of absence for one half hour, and Mr. Allen (of Lincoln) moved that the Sergeant-at-arms be instructed and empowered to bring to the Assembly Chamber members of the House who are absent without leave, and no member shall be allowed to leave the House without permission.

Agreed to.

Roll called, and Assembly Bill No. 119 passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Plummer, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson—42.

NAYS—Messrs. Melarkey, Shakespeare, and Mr. Speaker—3.

Absent—Messrs. Davies, Paton, Powell and Underwood.

Mr. Taylor, at 4:07 p. m., moved that the House adjourn.

Motion lost.

Mr. Prisk was granted leave of absence for one half hour.

Senate Bill No. 101—An Act to repeal sections fourteen and fifteen, and to amend section sixteen of an Act entitled “An Act to provide for organizing and disciplining the Militia of the State,” approved March 4, 1865.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison,

Plummer, Powell, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—Messrs. Beard, Ferguson—2.

Absent—Messrs. Davies, Paton, Prisk and Underwood.

Mr. Eldred, at 4:15 P. M., moved that the House take a recess until 7:30 P. M.

Lost.

Leave of absence was granted to Mr. Melarkey for one half hour.

Assembly Bill No. 118—An Act to admit to probate a certain paper purporting to be the last will and testament of John Larcombe, deceased.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Crawford, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Green, Hagar, Harlow, Irvine, Kennedy, Lane, Lyons, of Storey, Lyon, of White Pine, Plummer, Powell, Price, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson—32.

NAYS—Messrs. Allen, of Storey, Beard, Eldred, Gibson, Hanna, Howe, Lamb, Lawson, Mayhugh, Melarkey, Morrison, Shakespeare, and Mr. Speaker—13.

Absent—Messrs. Davies, Paton, Prisk and Underwood.

Mr. Smith (of Lyon), at 4:36 P. M., moved to adjourn.

Lost.

Leave of absence was granted to Mr. Wermuth for fifteen minutes.

Assembly Bill No. 127—An Act to provide for calling an extra term of Court, and to try certain cases.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth of Lander, Taylor, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—42.

NAYS—Messrs. Beard, Howe—2.

Absent—Messrs. Davies, Paton, Prisk, Underwood and Wermuth.

Assembly Bill No. 128—An Act supplemental to an Act entitled an Act to authorize and require the payment of rewards in certain cases, approved February 26, 1877.

Bill considered engrossed, read third time, and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Fraser, Gibson, Lyon, of White Pine, Mayhugh, Melarkey, Powell, Price, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Watt, Williams, Wilson, and Mr. Speaker—20.

NAYS—Messrs. Allen, of Storey, Eldred, Fisk, Flannery, Foulks, Fulton, Ferguson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Morrison, Plummer, Shakespeare, Smith of Lyon, Smyth, of Lander, Vansickle—24.

Absent—Messrs. Davies, Paton, Prisk, Underwood and Wermuth.

Mr. Hanna, at 4:40 p. m., moved that the House do now adjourn.  
Motion lost.

On motion, the Sergeant-at-arms was requested to bring Mr. Wermuth into the Assembly Chamber.

Mr. Lyon, at 4:45 p. m., moved to adjourn.

Motion carried.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## FIFTY-FIFTH DAY.

CARSON CITY, March 1, 1879.

The House met at 10:30 a. m.

Mr. Speaker in the chair.

Roll called.

Absent—Messrs. Davies, Ferguson, Underwood and Williams.

Prayer by the Rev. Mr. Weir.

Mr. Smith (of Storey) moved that the reading of the report of Select Committee to investigate relative to the penalties attached for the non-payment of tax on the net proceeds of the California and Consolidated Virginia mines, second and third quarters, 1876; also, the reading of the petition from citizens of Elko County, presented by Mr. Mayhugh, be omitted in the reading of the Journal of the fifty-fourth day.

Agreed to.

Leave of absence was granted to Mr. Ferguson for one day.

Journal of the fifty-fourth day read and approved.

## REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Judiciary, to which was referred Senate Bill No. 58—An Act to provide for the purchase and distribution of "Hawley's Digest of the Nevada Supreme Court reports," and "Sawyer's Circuit Court Reports," beg leave to report favorably on the same, and recommend its passage.

Also, Senate Bill No. 38—An Act to amend “An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and repeal all other Acts in relation thereto,” approved March 8, 1869, beg leave to report the same back with amendments, and recommend its passage as amended.

Amendment—In section one, proviso four, at the end of said proviso add the following words: “Also, the printing-presses, cases, type, and other material, necessary for the publishing of a newspaper, not to exceed the sum of twenty-five hundred dollars.”

U. E. ALLEN, Chairman.

*Mr. Speaker :*

Your Committee on Contingent Expenses and Accounts have had under consideration Resolutions relative to paying L. Duncan and Mayo A. Greenlaw, and beg leave to report them back with the following amendments, viz: Amend the Greenlaw Resolution by inserting twenty-five dollars, and the Duncan Resolution by inserting one hundred dollars, and recommend their adoption as amended.

H. VANSICKLE, Chairman.

*Mr. Speaker:*

Your Standing Committee on Engrossment beg leave to report that they have compared Assembly Bills Nos. 85, 131, 116, 118, 71, 135, 107, 136, 114 and 122, with the engrossed copies thereof, and find them correctly engrossed. We would respectfully call attention to the fact that Assembly Bill No. 122 is devoid of an enacting clause.

J. C. HARLOW, Chairman.

Mr. Shakespeare moved to make Assembly Bill No. 130 an Act relating to Railroads, the termini of which are within the State of Nevada, the special order for 2 p. m. of the present instant.

Mr. Allen (of Lincoln) moved to lay the motion on the table.

Messrs. Lyons (of Storey), Shakespeare and Morrison, called for the yeas and nays.

Roll called, and motion to lay on the table carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Paton, Plummer, Powell, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Vansickle, Watt, Wermuth, and Wilson—23.

NAYS—Messrs. Beard, Eldred, Fisk, Foulks, Fraser, Green, Hanna, Harlow, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Price, Prisk, Robinson, Shakespeare, Smyth, of Lander and Mr. Speaker—21.

Absent—Messrs. Crawford, Davies, Ferguson, Underwood and Williams.

Mr. Allen (of Lincoln) moved that Assembly Bill No. 14, an Act supplementary to an Act entitled an Act for the government and maintenance of the Orphans' Home, approved March 1, 1873, and providing

for the admission to said Home of certain children in addition to the orphans and half orphans named in said Act, be taken up and re-referred to a Select Committee of one, with instructions to report a substitute.

Agreed to.

Mr. Allen (of Lincoln) was appointed as such Committee.

Mr. Hanna moved that the House resolve itself into the Committee of the Whole for the consideration of all Railroad bills referred to said Committee.

Motion lost.

The Resolution presented House on yesterday by Mr. Robinson, relative to changing the hour of meeting from 10.30 A. M. to 10 A. M., was amended.

Adopted.

Mr. Vansickle, from the Committee on Claims, reported favorably on the claim of Lewis Duncan for the sum of one hundred and fifty dollars, with an amendment, by substituting one hundred dollars in lieu of one hundred and fifty dollars.

Amendment reported by Committee adopted, and resolution adopted as amended.

Also, on the claim of Mayo A. Greenlaw, reported in favor of allowing him twenty-five dollars for copying Report of Commissioners for the Care of the Insane.

Report of Committee adopted.

By Mr. Mayhugh:

Assembly Resolution, allowing W. W. Hobart five hundred and forty-eight dollars for copying report of State Controller for the years 1877 and 1878.

Referred to the Committee on Claims.

Mr. Mayhugh moved that Assembly Bill No. 92, 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, approved March 11, 1867, approved March 3, 1869, approved March 11, 1871, approved February 20, 1873, approved February 20, 1877, be taken from the table and placed on file.

Agreed to.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., February 28, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Joint Resolution No. 31—In relation to changing Mail Service on route 46,267, from Reno, in the State of Nevada, to Willow Ranch, in California, from tri-weekly service to seven times per week, which passed the Senate this day: Yeas, 20; nays, 1.

Also, Senate Bill No. 124—An Act making appropriations for the support of the Civil Government of the State of Nevada, for the fifteenth and sixteenth fiscal years, which passed the Senate this day: Yeas 21; nays, none.

Also, substitute for Senate Bill No. 2—An Act to reduce the rate of State taxation, which passed the Senate this day: Yeas, 21; nays, none.

Also, Senate Bill No. 162—An Act appropriating and authorizing the transfer of certain moneys from the General Fund to the Library Fund, which passed the Senate this day: Yeas, 20; nays, none.

I also return to your Honorable Body, Assembly Concurrent Resolution No. 24—Relative to thanking the Legislature of the State of Illinois for memorializing their representatives in Congress for the part they have taken in regard to the Anti-Chinese Bill, which passed the Senate this day unanimously.

Also, Assembly Bill No. 99—An Act to appropriate money for the payment of certain claims against the State of Nevada, which passed the Senate this day: Yeas, 21; nays, none.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

#### FIRST READING OF BILLS.

Assembly Bill No. 157—An Act authorizing the County Commissioners of Eureka County, to pay the claim of C. M. Bennett.

Bill read first time, rules were suspended, read second time by title, and referred to the Eureka County Delegation.

Substitute for Senate Bill No. 2 — An Act to reduce the rate of taxation.

Bill read first time, rules were suspended, read second time by title, ordered printed, and referred to the Committee on Ways and Means.

Senate Joint Resolution No. 31, in relation to changing Mail Service on Route No. 46,267, from Reno, in the State of Nevada, to Willow Ranch, in California, from tri-weekly service to seven times per week.

Bill read first time.

Senate Bill No. 162—An Act appropriating and authorizing the transfer of certain moneys from the General Fund to the Library Fund.

Returned to the Senate for consideration in Committee of the Whole by said body.

Mr. Allen (of Storey) moved to take up Assembly Bill No. 87 from the table, relative to paying the claim of Wm. Cook.

Lost.

Senate Bill No. 124—An Act making appropriation for the support of the civil government of the State of Nevada, for the fifteenth and sixteenth fiscal years.

Bill read first time, rules were suspended, read second time by title, and referred to the Committee on Ways and Means, with instruction to report on the third inst.

Mr. Allen (of Storey) moved to take Assembly Bill No. 87 from the table.

Agreed to.

Mr. Smith (of Storey) moved that Assembly Bill No. 87, relative to paying the claim of Wm. Cook, be indefinitely postponed.

Mr. Allen (of Storey) moved to re-refer the bill to the Virginia portion of the Storey County Delegation.

Pending the consideration of the motion to re-refer, Mr. Allen (of Lincoln) moved, at 12:07 P. M., that the House take a recess until 1:15 P. M.

Agreed to.

# HOUSE IN SESSION.

At 1:15 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Leave of absence was granted Mr. Crawford and Mr. Lyon (of White Pine) for the remainder of the day.

Mr. Allen (of Storey) moved to re-commit Assembly Bill No. 87 to the Virginia City portion of the Storey County delegation.

Mr. Smith (of Storey) moved that the motion to re-commit be laid on the table.

Motion to lay on the table lost.

The motion of Mr. Allen (of Storey) to re-commit the bill to the Virginia City portion of the Storey County delegation was agreed to.

## GENERAL FILE.

Senate Bill No. 114—An Act to amend Sections 551 and 554 of an Act entitled "An Act to regulate proceedings in criminal cases in the Courts of Justice in the Territory of Nevada," approved November 26, 1861.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Allen, of Storey, Crawford, Davies, Lyon, of White Pine, Underwood, Williams and Ferguson.

Mr. Allen (of Lincoln) was granted leave of absence for fifteen minutes.

Mr. Allen (of Storey) was granted leave of absence for one half hour.

Senate Bill No. 62—An Act to encourage and protect the growth of forest and shade trees.

Bill read third time and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Paton, Robinson, Smith, of Eureka, Smith, of Storey, Taylor, Wermuth, and Mr. Speaker—24.

NAYS—Messrs. Eldred, Fisk, Irvine, Kennedy, Lamb, Lane, Morrison, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Lyon, Smyth, of Lander, Vansickle, Watt, and Wilson—18.

Absent—Messrs. Allen, of Storey, Crawford, Davies, Ferguson, Lyon, of White Pine, Underwood and Williams.

Senate Bill No. 88—An Act transferring the unappropriated balance in the State Building Fund, to the General Fund of the State.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Allen, of Storey, Crawford, Davies, Ferguson, Lyon, of White Pine, Underwood and Williams.

Senate Bill No. 103—An Act to amend an Act entitled “An Act to preserve wild game, and to repeal all other Acts in relation thereto,” approved February 23, 1877.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Wermuth, Wilson, and Mr. Speaker—38.

NAYS—Messrs. Beard, Shakespeare, Vansickle, and Watt—4.

Absent—Messrs. Allen, of Storey, Crawford, Ferguson, Davies, Williams, Underwood, and Lyon, of White Pine.

Senate Bill No. 113—An Act to amend an Act entitled “An Act to provide for the erection and maintenance of partition fences,” approved March 6, 1875.

Bill read third time and lost by the following vote:

YEAS—Messrs. Foulks, Lane, Smith, of Eureka, Smith, of Storey, and Wilson—5.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, and Mr. Speaker—38.

Absent—Messrs. Crawford, Davies, Ferguson, Lyon, of White Pine, Underwood, and Williams.

Senate Bill No. 122—An Act to encourage the collection of geological, paleontological, and mineral specimens in this State.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Crawford, Davies, Ferguson, Howe, Lyon, of White Pine, Underwood and Williams.

Senate Bill No. 119—An Act to provide for the preservation of mining records in certain districts in this State.

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

YEAS—Messrs. Allen, of Lincoln, Allen of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Fraser, Fulton, Gibson, Green, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Morrison, Paton, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smyth, of Lander, Taylor, Watt, Wermuth, and Mr. Speaker—30.

NAYS—Messrs. Hagar, Kennedy, Mayhugh, Melarkey, Plummer, Powell, Smith, of Lyon, Smith, of Storey, and Wilson—9.

Absent—Messrs. Crawford, Davies, Foulks, Ferguson, Hanna, Harlow, Lyon, of White Pine, Underwood, Vansickle, and Williams.

Mr. Lyons, of Storey, gave notice that on the third inst. he would move for a reconsideration of the vote by which Senate Bill No. 119 passed the House.

Mr. Mayhugh also gave notice that on the third inst. he would move for a reconsideration of the vote by which Senate Bill No. 113 failed to pass the House.

Senate Bill No. 115—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 8, 1865.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Howe, Irvine, Lamb, Lane, Lyons, of Storey, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—40.

NAYS—Messrs. Harlow, Kennedy, and Melarkey—3.

Absent—Messrs. Davies, Crawford, Ferguson, Lyon, of White Pine, Underwood, and Williams.

Assembly Bill No. 139—An Act directing the gratuitous distribution of certain Books by the Secretary of State.

Laid on the table.

Assembly Bill No. 124—An Act to amend Section 2 of an Act entitled "An Act to provide for the purchase of certain supplies for State Officers and attaches of the Legislature," approved March 2, 1877.

Ordered engrossed.

Senate Bill No. 58—An Act to provide for the purchase and distribution of Hawley's Digest of the Nevada Supreme Court Reports and Sawyer's Circuit Court Reports.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lane, Lawson, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Wermuth, Wilson, and Mr. Speaker—32.

NAYS—Messrs. Allen, of Storey, Kennedy, Lamb, Lyons, of Storey, Price, Smith, of Lyon, Smyth, of Lander, Vansickle, and Watt—9.

Absent—Messrs. Andrews, Crawford, Davies, Ferguson, Lyon, of White Pine, Underwood, Williams, and Fulton.

Mr. Morrison moved that the House resolve itself into the Committee of the Whole for the consideration of bills referred to it, with the Speaker *pro tem.* in the chair.

Motion lost.

Mr. Allen (of Lincoln) moved that at 7 o'clock p. m. this evening the House resolve itself into the Committee of the Whole for the consideration of all bills referred to said Committee.

Motion carried.

Assembly Bill No. 116—An Act for the Relief of Mrs. A. Whitford and H. W. Putnam.

Bill read third time.

Mr. Morrison moved to refer the bill to a Special Committee of one, with instructions to strike out the claim of H. W. Putnam.

The yeas and nays being called for, the motion to refer was lost by the following vote:

YEAS—Messrs. Beard, Eldred, Fisk, Fraser, Green, Hagar, Howe, Irvine, Kennedy, Lamb, Melarkey, Morrison, Paton, Plummer, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Vansickle, and Mr. Speaker—21.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Flannery, Foulks, Fulton, Gibson, Hanna, Harlow, Lane, Lawson, Lyons, of Storey, Mayhugh, Powell, Price, Prisk, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Wermuth, and Wilson—22.

Absent—Messrs. Crawford, Davies, Ferguson, Lyon, of White Pine, Underwood, and Williams.

Mr. Allen (of Lincoln) moved to lay Assembly Bill No. 116 on the table.

Agreed to.

Assembly Bill No. 85—An Act to aid the Nevada Building Association in providing means for the construction of an Insane Asylum in this State.

Bill read third time.

Mr. Melarkey moved the indefinite postponement of the bill.

Roll called, and motion lost by the following vote:

YEAS—Messrs. Beard, Fisk, Green, Hagar, Howe, Lamb, Melarkey, Plummer, Smith, of Storey, Smyth, of Lander, and Vansickle—11.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Eldred, Flannery, Foulks, Fraser, Fulton, Gibson, Harlow, Irvine, Kennedy, Lane, Lawson, Lyons, of Storey, Mayhugh, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Taylor, Watt, Wermuth, Wilson, and Mr. Speaker—31.

Absent—Messrs. Crawford, Davies, Ferguson, Hanna, Lyon, of White Pine, Underwood and Williams.

Mr. Allen (of Storey) moved to make the bill the special order for Monday, third instant, at 1:15 p. m.

Motion lost.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Eldred, Flannery, Fraser, Gibson, Irvine, Lane, Lawson, Lyons, of Storey, Mayhugh, Morrison, Powell, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Wermuth, Wilson, and Mr. Speaker—26.

NAYS—Messrs. Allen, of Storey, Andrews, Beard, Fisk, Foulks, Fulton, Green, Hagar, Hanna, Harlow, Howe, Kennedy, Lamb, Melarkey, Paton, Plummer, Prisk, and Vansickle—17.

Absent—Messrs. Crawford, Davies, Ferguson, Lyon, of White Pine, Underwood, and Williams.

Assembly Bill No. 131—An Act to amend an Act 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 to,” approved March 8, 1869.

Motion read third time, and lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Eldred, Flannery, Fraser, Gibson, Hagar, Hanna, Irvine, Lamb, Lane, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Smith, of Eureka, Smith, of Storey, Taylor, Watt, Wermuth, Wilson, and Mr. Speaker—24.

NAYS—Messrs. Beard, Fisk, Fulton, Green, Harlow, Howe, Kennedy, Lawson, Lyons, of Storey, Melarkey, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, and Vansickle—16.

Absent—Messrs. Andrews, Crawford, Davies, Foulks, Ferguson, Lyon, of White Pine, Smyth, of Lander, Underwood, and Williams.

Mr. Shakespeare gave notice that on the next Legislative Day he would move for a reconsideration of the vote by which Assembly Bill No. 131 failed to pass the House.

Assembly Bill No. 118—An Act to amend sections seventy-four and seventy-five of an Act amendatory of and supplemental to an Act entitled “An Act concerning crimes and punishments,” approved November 26, 1861, approved February 26, 1875.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Vansickle, Watt, Williams, Wilson and Mr. Speaker—39.

NAYS—None.

Absent—Messrs. Allen, of Storey, Andrews, Crawford, Davies, Ferguson, Lyon, of White Pine, Price, Smyth, of Lander, Underwood and Williams.

Messrs. Plummer, Paton and Powell were granted leave of absence until the third instant.

Mr. Allen (of Lincoln), who was appointed a Special Committee to report a substitute bill for Assembly Bill No. 14, reported the following:

Substitute for Assembly Bill No. 14—An Act supplementary to an Act entitled "An Act for the government and maintenance of the State Orphans' Home," approved March 1, 1873.

Bill read first time, rules suspended, read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—34.

NAYS—Messrs. Kennedy, Price—2.

Absent—Messrs. Allen, of Storey, Andrews, Crawford, Davies, Fulton, Ferguson, Lyon, of White Pine, Paton, Plummer, Powell, Smyth, of Lander, Underwood and Williams.

Mr. Allen (of Storey) asked leave of absence for the remainder of the day.

Granted.

Mr. Vansickle asked leave of absence for the remainder of the day.

Granted.

Mr. Eldred asked leave of absence for the remainder of the day.

Granted.

Mr. Andrews asked leave of absence for the remainder of the day.

Granted.

Mr. Fisk, at 3:48 P. M., moved to take a recess until 7 P. M.

Agreed to.

## HOUSE IN SESSION.

At 7:04 P. M.

Mr. Speaker in the chair.

Roll called.

No quorum being present, on motion of Mr. Harlow; at 7:17 P. M.  
the House adjourned.

Approved:

H. A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## FIFTY-SEVENTH DAY.

CARSON CITY, March 3, 1879.

The House met at ten A. M.

Roll called.

Absent—Mr. Davies.

Leave of absence was granted to Mr. Allen (of Storey) for one and one half hours.

Journal of the fifty-fifth day read and approved.

Mr. Howe asked leave of absence for three quarters of an hour.

Granted.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Claims, to whom was referred a resolution instructing the State Controller to draw his warrant on the Legislative Fund in favor of W. W. Hobart, beg leave to report they have had the same under consideration, have amended the same, and recommend its passage as amended.

B. L. PLUMMER, Chairman.

*Mr. Speaker:*

Your Standing Committee on Engrossment hereby report that they have compared Assembly Bills Nos. 36, 124, and 137 with the engrossed copies thereof, and find them correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker:*

Your Committee on Public Morals, to whom was referred Assembly Bill No. 121—"An Act imposing a tax and prescribing the mode of collecting the same, on the privilege of selling wine, ardent spirits, or malt liquors within the limits of the State of Nevada, and to repeal all other Acts in relation thereto," have considered the same. We beg leave to report favorably on said bill, and recommend its passage.

J. FERGUSON, Chairman.

*Mr. Speaker :*

Your Standing Committee on State Institutions, to whom was referred Senate Bill No. 145, entitled "An Act to provide for recording all contracts and agreements entered into by and between the State of Nevada and any person, persons, company or corporation," beg leave to report that they have had the same under consideration, and have made no amendments thereto, and directed their Chairman to report the same back, with the recommendation that it do pass. All of which is respectfully submitted, etc.

E. N. UNDERWOOD, Chairman.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Allen (of Lincoln) Assembly Bill No. 116—An Act for the relief of Mrs. Whitford and H. W. Putnam was taken from the table and placed on file.

On motion of Mr. Mayhugh, the resolution to pay W. W. Hobart \$495 in lieu of \$548 for copying Report of State Controller for the years 1877 and 1878 was adopted.

Mr. Mayhugh was granted temporary leave of absence.

On motion of Mr. Shakespeare, Assembly Joint Resolution No. 1, in relation to the Burlingame Treaty, was taken from the table, and placed on file.

Mr. Shakespeare, pursuant to previous notice, moved to reconsider the vote by which Assembly Bill No. 131—An Act to amend an Act 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," approved March 8, 1869, failed to pass the House.

Agreed to.

By Mr. Gaston:

Assembly Joint Resolution No. 25, relative to praying Congress to pass a law restricting the immigration of Chinese to the United States.

Bill read first time.

On motion of Mr. Hanna, the rules were suspended, resolution read second time by title, rules further suspended, bill considered engrossed, read third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—44.

NAYS—Messrs. Beard, Ferguson—2.

Absent—Messrs. Davies, Howe, Lyons, of Storey, and Mayhugh.

Mr. Lyons (of Storey) was granted leave of absence for one hour.

By Mr. Shakespeare:

Assembly Resolution relative to paying M. Cavanaugh sixty dollars

for extra services rendered as porter during the Ninth Session of the Legislature.

Referred to the Committee on Contingent Expenses.

SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, March 1, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 166, entitled "An Act to fix the salary of the District Attorney of Eureka County," which passed the Senate this day: Yeas, 22; nays, 1.

I also return to your Honorable Body, Assembly Bill No. 119—An Act to admit to probate a certain paper purporting to be the last will and testament of A. Benedict, deceased, which passed the Senate this day: Yeas, 18; nays, 5.

Also, Senate Bill No. 107—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 8, 1865; approved February 21, 1877, which passed the Senate on the twenty-seventh day of February, 1877: Yeas, 16; nays, 6.

Also, Senate Bill No. 142—An Act concerning the insane of the State, which passed the Senate this day: Yeas, 16; nays, 7.

I am directed by the Senate to return to your Honorable Body, Senate Bill No. 162—An Act appropriating and authorizing the transfer of certain moneys from the General Fund to the Library Fund, respectfully suggesting that the rules governing the two Houses do not require the consideration, in Committee of Whole, of any measure not carrying an appropriation.

Respectfully, Yours,

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

Senate Joint Resolution No. 31, in relation to changing mail service on route No. 46,267, from Reno, in the State of Nevada, to Willow Creek Ranch, in California, from tri-weekly service, to seven times a week.

Bill read second time.

Mr. Underwood was granted leave of absence for one half hour.

INTRODUCTION AND FIRST READING OF BILLS.

Senate Bill No. 166—An Act to fix the salary of the District Attorney of Eureka County.

Bill read first time.

On motion of Mr. Allen (of Lincoln), the rules were suspended, bill read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—41.

NAYS—Mr. Melarkey—1.

Absent—Messrs. Davies, Foulks, Howe, Lyons, of Storey, Mayhugh, Plummer and Underwood.

Senate Bill No. 107—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 8, 1865; approved February 21, 1877.

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

On motion of Mr. Smith (of Storey), Senate message was taken up.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEVADA, March 3, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 169, entitled “An Act to appropriate ten thousand dollars for the immediate relief of those rendered destitute by the Reno fire of March 2, 1879.

THEO. S. DAVENPORT,

Assistant Secretary of Senate.

Senate Bill No. 169, as per Senate message.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

On motion of Mr. Allen (of Lincoln), the House resolved itself into the Committee of the Whole, for the consideration of Senate Bill No. 169, with the Speaker in the chair.

In time the committee arose, and reported back Senate Bill No. 169, recommending its passage.

Mr. Speaker in the chair.

Senate Bill No. 169—An Act to appropriate ten thousand dollars for the immediate relief of those rendered destitute by the Reno fire of March 2, 1879.

On motion of Mr. Allen (of Lincoln), the rules were further suspended.

Senate Bill No. 169 read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson,

Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson—45:

NAYS—Mr. Speaker—1.

Absent—Messrs. Davies, Mayhugh and Underwood.

Senate Bill No. 142—An Act concerning the insane of this State.

Bill read first time, rules suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 162—An Act appropriating and authorizing the transfer of certain moneys from the General Fund to the Library Fund.

Bill read first time, rules suspended, read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Smith, of Eureka, Smith, of Storey, Taylor, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—38.

NAYS—Messrs. Smith, of Lyon, Smyth, of Lander, and Williams—3.

Absent—Messrs. Allen, of Storey, Andrews, Davies, Mayhugh, Morrison, Powell, Sharp, and Underwood.

Assembly Bill No. 71—An Act to provide a supply of water for the Capitol and for the State Orphans' Home.

Mr. Allen (of Lincoln) moved that a committee of one be appointed to strike out the words "Building Fund" and in lieu thereof to insert the words "General Fund."

Carried, and Mr. Allen (of Lincoln) was appointed such committee, who reported the bill amended, as per instructions.

The bill having already been read a third time, was placed on its final passage, and passed, as amended, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Allen, of Storey, Andrews, Foulks, Lyons, of Storey, Shakespeare, and Wermuth.

Assembly Bill No. 135—An Act supplementary to an Act entitled an Act to amend an Act entitled "An Act to provide for obtaining correct statements of the financial condition of the several counties of this State, and other matters of statistical information."

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

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Eldred, Fisk, Flannery, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—Mr. Ferguson—1.

Absent—Messrs. Allen, of Storey, Andrews, Davies, Foulks, Lyon, of Storey, Shakespeare, and Wermuth.

Assembly Bill No. 136—An Act to prohibit the unauthorized use of horses, mules, or work cattle.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Allen, of Storey, Davies, Lyon, of Storey, Shakespeare, Wermuth, and Williams.

Assembly Bill No. 114—An Act to prevent fraud in the manufacture or sale of all articles of jewelry purporting to be manufactured from or composed of precious metals, viz., gold or silver.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Taylor, Vansickle, Wermuth, Williams, and Mr. Speaker—38.

NAYS—Messrs. Crawford, Plummer, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Watt, and Wilson—8.

Absent—Messrs. Davies, Lyons, of Storey, and Underwood.

Mr. Harlow, at 12:04 P. M., moved to take a recess until 1:15 P. M.  
Carried.

## HOUSE IN SESSION.

At 1:15 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

## SPECIAL ORDER.

Senate Bill No. 128—An Act to discontinue litigation touching inequitable claims for taxes and penalties.

On motion of Mr. Lyon (of Storey), the House resolved itself into the Committee of the Whole for the consideration of Senate Bill No. 128, with Mr. Speaker in the chair.

In time, the committee arose, and reported back to the House, Senate Bill No. 128, recommending its passage.

Mr. Speaker in the chair.

Senate Bill No. 128—An Act to discontinue litigation touching inequitable claims for taxes and penalties.

Bill read third time.

Mr. Allen (of Lincoln) moved the reference of the bill to a Special Committee of One to strike out Sections 2, 3 and 4.

Messrs. Allen (of Lincoln), Melarkey and Williams called for the yeas and nays.

Roll called, and motion to refer lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hagar, Harlow, Kennedy, Lamb, Mayhugh, Melarkey, Morrison, Plummer, Smith, of Eureka, Vansickle, Watt, Williams, and Mr. Speaker—20.

NAYS—Messrs. Allen, of Storey, Andrews, Davies, Eldred, Flannery, Fulton, Gibson, Hanna, Howe, Irvine, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Wermuth and Wilson—28.

Absent—Mr. Crawford.

The question recurring on the final passage of Senate Bill No. 128, roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Crawford, Davies, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Howe, Irvine, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Paton, Powell, Price, Prisk, Robinson, Sharp, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Wermuth and Wilson—31.

NAYS—Messrs. Allen, of Lincoln, Beard, Fisk, Foulks, Green, Harlow, Kennedy, Lamb, Mayhugh, Melarkey, Morrison, Plummer, Shakespeare, Smith, of Eureka, Smith, of Lyon, Watt, Williams, and Mr. Speaker—18.

Messrs. Gaston and Harlow presented the following explanation of their votes:

The fact of the bill in question containing two distinct propositions, makes it a disagreeable one for me to vote upon, for the reason that we favor one of the propositions, and oppose the other. We believe it to be a cunningly devised bill in this respect. The payment of the back taxes would be a hardship upon the companies, for the reason that said taxes were not levied in proper time, while the relinquishment of the penalty proposition would be a subversion of law. We therefore say, let the law take its course.

Mr. Gaston indorsed the foregoing and asked to have his name attached.

Granted.

## GENERAL FILE.

Assembly Bill No. 107—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; approved March 11, 1867; approved March 4, 1871; approved February 20, 1873; approved February 20, 1877.

Bill read third time and lost by the following vote:

YEAS—Messrs. Beard, Fisk, Ferguson, Gibson, Hanna, Howe, Irvine, Kennedy, Lamb, Lawson, Melarkey, Morrison, Vansickle, Wilson—14.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Green, Harlow, Lane, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Paton, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, and Mr. Speaker—29.

Absent—Messrs. Hagar, Plummer, Shakespeare, Watt, Wermuth and Williams.

Assembly Bill No. 122—An Act to amend an Act entitled "An Act requiring persons slaughtering horned cattle to keep the hides and ears thirty days, and punish a failure so to do."

The clerk was, on motion, authorized to insert the enacting clause to the bill.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Harlow, Howe, Kennedy, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Taylor, Watt, Wermuth, Wilson, and Mr. Speaker—31.

NAYS—Messrs. Crawford, Eldred, Hanna, Irvine, Lamb, Powell, Prisk, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, and Vansickle—11.

Absent—Messrs. Allen, of Storey, Andrews, Davies, Fulton, Plummer, Underwood and Williams.

On motion of Mr. Foulks, the Clerk was authorized to correct the title of the bill by striking out the word "thirty," and in lieu thereof insert the word "ten;" also to insert the words and figures "approved February 12, 1877," after the words "so to do."

Senate Bill No. 111—Substitute for Assembly Bill No. 63—An Act to authorize the employment of criminals.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Flannery, Fraser, Ferguson, Gibson, Green, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of Storey, Lyons, of White Pine, Mayhugh, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson, and Mr. Speaker—38.

NAYS—Messrs. Fisk and Robinson—2.

Absent—Messrs. Allen, of Storey, Andrews, Foulks, Fulton, Hanna, Harlow, Melarkey, Plummer, and Williams.

Mr. Lyons (of Storey) moved a call of the House.

Carried.

Roll called.

Absent, without leave—Messrs. Allen, of Storey, Andrews, Hanna, Fulton, Harlow, and Williams.

Mr. Allen (of Storey) appeared at the bar of the House, paid his fine of one dollar to the Sergeant-at-Arms, and took his seat.

Mr. Mayhugh moved that further proceedings under the call be dispensed with.

Motion lost.

On motion of Mr. Paton, Messrs. Andrews, Hanna, Fulton, Harlow, and Williams were fined one dollar each, which they paid to the Sergeant-at-Arms, and took their seats.

Mr. Smith (of Storey) moved that further proceedings under the call be dispensed with.

Agreed to.

On motion of Mr. Lane, the House resolved itself into the Committee of the Whole, for the consideration of bills referred to said committee.

Speaker *pro tem.* in the chair.

In time, the committee arose, and reported back to the House Assembly Bill No. 130—An Act relating to railroads, the termini of which are within the State of Nevada, recommending that it be made the special order for seven p. m. of the present instant.

Also, Assembly Bill No. 112—An Act to regulate freights and fares on all railroads in this State; made amendments thereto, and recommended that it also be made the special order for seven p. m. of the present instant.

Also, Senate Bill No. 121—An Act concerning apprentices, with the recommendation that it do pass.

Also, Assembly Bill No. 108—An Act to discontinue litigation touching inequitable claims for taxes and penalties, recommended that it be laid on the table.

Also, Senate Bill No. 142—An Act concerning the Insane of the State, and recommend its passage.

Also, Assembly Bill No. 93—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 9, 1865, and recommended that it be laid on the table.

Also, Assembly Bill No. 133—An Act to regulate and fix the rates of fares and freights on railroads operated wholly or in part within this State, and recommended that it be made the special order for seven p. m. to-day.

Also, Substitute for Senate Bill No. 82—An Act fixing the salaries of the various county officers in the several counties of this State, and other matters in relation thereto, made amendments thereto, and recommended that it do pass as amended.

Also, Assembly Bill No. 54—An Act making an appropriation for a deficiency in the office of the Secretary of State for the thirteenth and fourteenth fiscal years, recommending its passage.

Senate Bill No. 140—An Act for the collection of debts of the sum of twenty dollars or under, and recommend that it do pass.

Mr. Speaker in the chair.

On motion of Mr. Fisk, the report was concurred in.

On motion of Mr. Fisk, at 4:12 p. m., the House took a recess until 7 p. m.

## HOUSE IN SESSION.

At 7 p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Allen (of Lincoln) moved a call of the House.

Agreed to.

Roll called.

Absent without leave—Messrs. Andrews, Davies, Lyons, of Storey, Lyon, of White Pine, and Mayhugh.

Leave of absence was granted to Mr. Andrews for one hour.

Mr. Mayhugh appeared at the bar of the House, and took his seat.

On motion of Mr. Allen (of Lincoln), Mr. Mayhugh was excused.

Mr. Davies appeared at the bar, and was excused, and allowed to take his seat.

Mr. Smith (of Lyon) moved that further proceedings under the call be dispensed with.

Motion lost.

Mr. Lyons (of Storey) appeared at the bar of the House.

Mr. Robinson moved that Mr. Lyons be excused, and allowed to take his seat.

Agreed to.

Mr. Hagar moved that further proceedings under the call be dispensed with.

Motion lost.

Mr. Lyon (of White Pine) appeared at the bar of the House, was excused, and allowed to take his seat.

On motion of Mr. Allen (of Storey) further proceedings under the call was dispensed with.

## SPECIAL ORDERS.

Assembly Bill No. 112—An Act to regulate freights and fares on all railroads in this State.

Assembly Bill No. 130—An Act relating to railroads, the termini of which are within the State of Nevada.

Assembly Bill No. 133—An Act to regulate and fix the rates of fares and freights on railroads operated wholly or in part within this State.

Mr. Fisk moved to take up Assembly Bill No. 112.

Mr. Allen (of Lincoln) moved to amend by postponing the consideration of the special orders until Tuesday, the fourth, instant at seven o'clock p. m.

Speaker *pro tem.* in the chair.

Mr. Allen (of Storey) moved the previous question.

Agreed to.

On the previous question, Messrs. Fisk, Harlow, Robinson and Williams called for the yeas and nays.

The previous question being on the amendment proposed by Mr. Allen (of Lincoln), roll called, and amendment adopted by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Crawford, Davies, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Paton, Plummer, Powell, Price, Prisk, Sharp, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson—27.

NAYS—Messrs. Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Robinson, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smyth of Lander, Williams, and Mr. Speaker—21.

Absent—Mr. Andrews.

Mr. Hanna moved, at 7:30 P. M. that the House adjourn.  
Motion lost.

#### GENERAL FILE.

Senate Bill No. 131—An Act to amend an Act entitled “An Act to create a Current Expense Fund for White Pine County,” which became a law March 14, 1877.

Pending the reading of the bill, Mr. Foulks asked leave of absence for the remainder of the evening for the Committee on Ways and Means.  
Granted.

Senate Bill No. 131, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Underwood, Vansickle, Watt, and Mr. Speaker—40.

NAYS—None.

Absent—Messrs. Allen, of Storey, Andrews, Fisk, Foulks, Smith, of Storey, Taylor, Wermuth, Williams and Wilson.

Senate Bill No. 94—An Act to amend an Act relating to elections, approved March 12, 1873.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Underwood, Vansickle, Watt, and Mr. Speaker—38.

NAYS—Mr. Melarkey—1.

Absent—Messrs. Allen, of Storey, Andrews, Fisk, Foulks, Lane, Smith, of Storey, Taylor, Wermuth, Williams, and Wilson.

Senate Bill No. 63—An Act to authorize the county of Elko to contract a debt and to issue bonds for the construction of a county jail.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Underwood, Vansickle, Watt, and Mr. Speaker—38.

NAYS—None.

Absent—Messrs. Allen, of Storey, Andrews, Foulks, Lamb, Lane, Price, Smith, of Storey, Taylor, Wermuth, Williams, and Wilson.

Mr. Fisk, at 7:55 P. M., moved to adjourn.

Lost.

Senate Bill No. 52—An Act to provide for the registration of voters in case of the death or resignation of registry agents.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Underwood, Vansickle, Watt, and Mr. Speaker—37.

NAYS—None.

Absent—Messrs. Allen, of Storey, Andrews, Foulks, Fulton, Lane, Prisk, Smith, of Storey, Smyth, of Lander, Taylor, Wermuth, Williams, and Wilson.

Mr. Hagar, at eight o'clock P. M., moved that the House adjourn.

Motion lost.

Senate Bill No. 38.—An Act to amend an Act to regulate proceedings in civil cases in the courts of justice of this State, and repeal all other Acts in relation thereto; approved March 8, 1869.

Read third time.

Mr. Smith (of Eureka) moved the appointment of a committee of one, with instructions to strike out "twenty-five hundred dollars," and in lieu thereof insert "one thousand dollars" in the fourth subdivision of section one.

Mr. Hanna moved to lay the bill on the table, which motion was agreed to.

Assembly Bill No. 101—An Act to regulate the price of water in certain cases, and to enforce the same.

Amendments ordered by committee adopted.

Bill ordered printed as amended; ordered engrossed, and made the special order for one o'clock P. M. on the fourth instant.

Mr. Lane, at 8:20, moved to adjourn.

Motion carried.

Approved:

H. A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

## FIFTY-EIGHTH DAY.

CARSON CITY, March 4, 1879.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called.

Absent—Mr. Smith (of Lyon).

Leave of absence was granted to Mr. Smith (of Lyon) for one day.

Prayer by the Rev. Mr. Weir.

Journal of the fifty-seventh day read and approved.

### PETITIONS.

Mr. Wermuth presented a petition from citizens of Eureka County, praying the Legislature not to take any legislative action on fares and freights on railroads so as to affect the Palisade and Eureka Railroad.

Pending the reading of the names of petitioners,

Mr. Hanna moved that the further reading of the names be dispensed with until seven o'clock p. m.

Agreed to.

Mr. Melarkey moved that the names of the signers of the petition from Eureka be printed.

Lost.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Standing Committee on Engrossment hereby report that they have compared Assembly Bills Nos. 104, 132, 125, and 101, with the engrossed copies thereof, and find them correctly engrossed.

J. C. HARLOW, Chairman.

*Mr. Speaker :*

Your Judiciary Committee, to which was referred Senate Concurrent Resolution No. 28, relative to amendments to the constitution of the State of Nevada, beg leave to report favorably on the same and recommend its adoption.

U. E. ALLEN, Chairman.

*Mr. Speaker :*

Your Committee on Ways and Means, to whom was referred Senate Bill No. 135—An Act repealing all matters relating to copying into an appendix the annual reports of the State officers and other documents, and providing for the deposit of printed copies with the Secretary of State, have had the same under consideration and recommend it do pass.

J. P. FOULKES, Chairman.

*Mr. Speaker :*

Your Committee on Ways and Means, to whom was referred Senate Bill No. 124—An Act making appropriations for the support of the civil government of the State of Nevada for the fifteenth and sixteenth fiscal years, have had the same under consideration, have amended the same, and recommend its passage as amended.

J. P. FOULKES, Chairman.

On motion of Mr. Foulks, Senate Bill No. 124, together with the amendments reported by Committee, were referred to the Committee of the Whole.

*Mr. Speaker :*

Your Committee on Contingent Expenses and Accounts have had under consideration the resolution of Mr. Cavanaugh, and return the same without recommendation.

H. VANSICKLE, Chairman.

*Mr. Speaker :*

Your Committee on Enrollment have carefully compared Assembly Bill No. 119—An Act to admit a certain paper to probate, and have found the same correctly enrolled, and have this fourth day of March handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Mayhugh moved that the petition presented by him to the House a few days ago from citizens of Cornucopia be referred to the Elko County delegation.

Agreed to.

By Mr. Gibson:

Assembly Concurrent Resolution No. 26, relative to paying Walter Chedick one hundred and twenty dollars for services rendered in raising and lowering flag on the Capitol building.

Referred to the Committee on Contingent Expenses, with instructions to report in a few hours.

By Mr. Fisk:

Assembly Concurrent Resolution No. 27:

*Resolved*, By the Assembly, the Senate concurring, that leave of absence from the State for a term of six months be, and the same is hereby granted to Samuel Cooper, Treasurer of Eureka County.

Lost.

The following resolution, introduced by Mr. Shakespeare on the third instant, was indefinitely postponed:

That the State Controller draw his warrant on the Legislative Fund in favor of M. Cavanaugh, for services rendered during the Ninth Session Nevada Legislature, as rear porter, for the sum of sixty dollars.

By Mr. Prisk:

*Resolved*, That the State Controller be, and is hereby directed, to draw his warrant in favor of Charles Oke Kelly for fifty dollars for extra clerical services on special committees.

Laid on the table.

By Mr. Mayhugh:

Assembly Joint Resolution No. 28, relative to the establishment of a daily mail service between the town of Elko and the town of Tuscarora, in the county of Elko.

Bill read first time, rules suspended, read second time by title, rules further suspended.

Considered engrossed.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—45.

NAYS—Mr. Hagar—1.

Absent—Messrs. Gibson, Smith, of Lyon, and Wermuth.

On motion of Mr. Allen (of Lincoln), Senate Joint Resolution No. 28, relative to changing the time of meeting of the Legislature from the first Monday in January to the first Monday in February, was taken up.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Hagar, Harlow, Howe, Irvine, Kennedy, Lane, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Sharp,

Smith, of Eureka, Smith, of Storey, Taylor, Vansickle, Wermuth, Williams, Wilson and Mr. Speaker—35.

NAYS—Messrs. Beard, Crawford, Ferguson, Green, Hanna, Lamb, Lawson, Powell, Robinson, Shakespeare, Smyth, of Lander and Watt—12.

Absent—Messrs. Smith, of Lyon, and Underwood.

By Mr. Hagar:

Assembly Joint Resolution No. 29, relative to the President's veto of the Chinese Restriction bill.

Bill read first time, rules suspended, read second time by title, rules further suspended, considered engrossed, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Gibson, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams and Mr. Speaker—38.

NAYS—Messrs. Allen, of Lincoln, Beard, Fisk, Ferguson, Green and Robinson—6.

Absent—Messrs. Smith, of Lyon, Lyon, of White Pine, Plummer, Wermuth and Wilson.

#### SENATE MESSAGES.

SENATE CHAMBER,  
CARSON CITY, NEV., March 3, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 170, entitled an Act to amend an Act entitled "An Act to regulate the salaries of County Auditors," which passed the Senate this day: Yeas, 18; nays, 4.

Also, Senate Bill No. 175—An Act concerning railroad corporations or companies; which passed the Senate this day: Yeas, 18; nays, 3.

Also, to return Assembly Bill No. 73—An Act entitled "An Act in relation to the burial of the dead of incorporated cities in the State of Nevada," which passed the Senate this day: Yeas, 21; nays, 2.

Also, Assembly Bill No. 25—An Act to restrict gaming, and to repeal all other Acts in relation thereto, which passed the Senate this day: Yeas, 18; nays, 6.

I also transmit for your consideration Senate Bill No. 127—An Act to amend an Act entitled "An Act in relation to public highways," approved March 15, 1875, which passed the Senate this day: Yeas, 17; nays, 7.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

#### FIRST READING OF BILLS.

Senate Bill No. 175—An Act concerning railroad corporations or companies.

Bill read first time, rules were suspended, read second time by title, rules further suspended, read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams, Wilson and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Allen, of Storey, Ferguson, Kennedy, Prisk, Smith, of Lyon, and Vansickle.

Senate Bill No. 170—An Act to amend an Act entitled “An Act to regulate the salaries of county auditors.”

Bill read first time, rules were suspended, read second time by title, and placed at the bottom of the file.

Senate Bill No. 127—An Act to amend an Act entitled “An Act in relation to public highways;” approved March 15, 1875.

Bill read first time, rules suspended, read second time by title, and placed on the bottom of the file.

#### GENERAL FILE.

Assembly Bill No. 92—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; approved March 11, 1867; approved March 3, 1869; approved March 4, 1871, approved February 20, 1873; approved February 20, 1877.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams, and Mr. Speaker—39.

NAYS—Messrs. Fisk and Melarkey—2.

Absent—Messrs. Allen, of Storey, Davies, Eldred, Fulton, Sharp, Smith of Lyon, Vansickle, and Wilson.

Assembly Bill No. 54—An Act making an appropriation for a deficiency in the office of Secretary of State for the thirteenth and fourteenth fiscal years.

Having already received a third reading, the bill was passed by the following vote:

YEAS—Messrs. Allen, of Lincoln,, Andrews, Beard, Crawford, El-

dred, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Williams, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Allen, of Storey, Davies, Fulton, Smith, of Lyon, Vansickle, and Wermuth.

Senate Bill No. 121—An Act concerning apprentices.

Pending the consideration of which, Mr. Fisk, at 11:57, A. M., moved to adjourn.

Motion carried.

Approved:

HENRY A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

## FIFTY-NINTH DAY.

CARSON CITY, March 5, 1879.

The House met at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Weir.

Journal of the fifty-eighth day read and approved.

### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker :*

Your Committee on Contingent Expenses and Accounts have had under consideration resolution in favor of Walter H. Chedick, and find it correct, and return the same and recommend its payment.

H. VANSICKLE, Chairman.

## MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
 CARSON CITY, March 4, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State Assembly Bill No. 125—An Act in relation to special taxes.

JOHN H. KINKEAD,  
 Governor.

## MOTIONS AND RESOLUTIONS.

By Mr. Allen (of Lincoln):

Assembly Resolution relative to paying Hon. T. W. W. Davies sixty dollars for room, lights, fuel, and use of law library furnished the Judiciary Committee of Assembly.

Adopted.

Assembly Concurrent Resolution No. 26, (as per report of Committee on Contingent Expenses,) amended on motion of Mr. Mayhugh, by substituting sixty dollars in lieu of one hundred and twenty dollars.

The resolution was then adopted as amended.

Mr. Smith (of Storey) moved that the House resolve itself into the Committee of the Whole for the consideration of the Senate Bill No. 124 (Appropriation Bill), with the Speaker *pro tem.* in the chair.

In time, the Committee arose, and the Speaker having resumed the chair, the chairman of the committee reported as follows:

That the Committee of the Whole have had under consideration Senate Bill No. 124—An Act making an appropriation for the support of the civil government of the State of Nevada, for the fifteenth and sixteenth fiscal years, have made amendments thereto, and recommend the passage of the bill as amended.

Report of committee received.

Mr. Allen (of Lincoln), at 11:55 A. M., moved to take a recess until 1:15 P. M.

Lost.

Senate Bill No. 124.

Amendments reported by Committee of the Whole adopted.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson and Mr. Speaker—44.

NAYS—Mr. Davies—1.

Absent—Messrs. Andrews, Fulton, Howe and Williams.

On motion of Mr. Kennedy, at 12:13 P. M. the House took a recess until 1:15 P. M.

## HOUSE IN SESSION.

At 1:15 o'clock p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Speaker *pro tem.* in the chair.

Mr. Gaston moved that Assembly Bill No. 101 be taken up.

Agreed to.

Assembly Bill No. 101—An Act to regulate the price of water in certain cases and to enforce the same.

Bill read third time.

Mr. Allen (of Storey) moved to refer the bill to a special committee of one to amend as follows:

In second section, after the words "or to demand," strike out the words "or receive;" also in Section 4, after the words "of this," insert the word "Act."

Agreed to, and Mr. Allen (of Storey) was appointed as such committee, who reported the bill amended as per instructions.

Mr. Mayhugh moved the previous question.

Carried.

The previous question being on the final passage of the bill,

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Story, Lyon, of White Pine, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Wermuth and Mr. Speaker—41.

NAYS—Messrs. Melarkey, Smyth, of Lander, Watt and Wilson—4.

Absent—Messrs. Davies, Hagar, Mayhugh and Williams.

The House excused Messrs. Mayhugh and Hagar from voting on the final passage of Assembly Bill No. 101.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, March 3, 1879. }

To the Honorable the Assembly:

I have the honor to return to your Honorable Body Assembly Bill No. 111, entitled an Act amendatory and supplementary of an Act entitled "An Act to regulate the sale or disposal of opium, and to prohibit the keeping of places of resort for smoking or otherwise using that drug," approved February 9, 1877, which passed the Senate: Yeas, 23; nays, 0.

Also, transmit for your consideration Senate Bill No. 140—An Act to repeal Section 3 of an Act entitled "An Act providing for the taxation of mines that produce one ton, or less, a day of ore or mineral-bearing ma-

terial, and to encourage the prospecting of undeveloped mines," approved March 5, 1877.

Also, Senate Bill No. 156—An Act authorizing the payment of salaries of officers fixed by law, which passed the Senate this day: Yeas, 16; nays, 8.

Also Senate Joint Memorial No. 27, relative to the abandonment of the Walker River Indian Reservation, and the removal of the Indians now occupying the same to the Pyramid Lake Reservation, which passed the Senate this day: Yeas, 21; nays, 2.

Also, Senate Bill No. 61—An Act to provide the State Land-office with a seal, and to legalize the use thereof, which passed the Senate this day: Yeas, 18; nays, 1.

Also, Substitute for Senate Bill No. 57—An Act to pay J. H. Mathewson and others for extra meritorious services as officers of the State Prison, which passed the Senate this day: Yeas, 14; nays, 5.

Also, Senate Bill No. 75—An Act to establish and maintain a State Asylum for the indigent poor and maimed of this State, which passed the Senate this day: Yeas, 16; nays, 6.

Also, Senate Bill No. 123—An Act to detach a portion of Nye County from said county, and attach the same to White Pine County, which passed the Senate this day: Yeas, 15; nays, 8.

Also, Senate Bill No. 138—An Act to provide for the purchasing of the portrait of ex-Senator James W. Nye, which passed the Senate this day: Yeas, 17; nays, 4.

Also, Senate Bill No. 152—An Act to provide for the purchase of portraits of ex-Governors Henry G. Blasdel and Lewis R. Bradley, which passed the Senate this day: Yeas, 14; nays, 6.

Also, Senate Bill No. 177—An Act to authorize the County Commissioners of Washoe to issue bonds for the construction of a bridge across the Truckee River at Wadsworth in said county, and to provide for the same, which passed the Senate this day: Yeas, 21; nays, 0.

Also, Senate Bill No. 183—An Act to authorize the School Trustees of the Eureka School District in Eureka County, Nevada, to issue bonds for School purposes, which passed the Senate this day: Yeas, 22; nays, 0.

I also return to your Honorable Body, Assembly Concurrent Resolution No. 28, relative to the President's veto of the Chinese Restriction Bill, which was this day lost in the Senate: Yeas, 10; nays, 12.

Also, Assembly Bill No. 28—An Act for the relief of Jerry Schooling, late State Treasurer, which passed the Senate this day: Yeas, 19; nays, 0.

Also, Assembly Bill No. 90—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, which passed the Senate this day: Yeas, 14; nays, 7.

Also, Senate Bill No. 180—An Act to authorize the School Trustees of School District No. 1, of Ormsby County, to issue warrants to pay certain indebtedness in said district, and to continue schools in said district, which passed the Senate this day: Yeas, 19; nays, 0.

Also, Senate Bill No. 182—An Act to appropriate two thousand five hundred dollars (\$2,500) for the immediate relief of those rendered destitute by the Silver City fire of March 4, 1879, which passed the Senate this day: Yeas, 20; nays, 0.

I have the honor herewith to inform your Honorable Body that

Assembly Amendments to Senate Bill No. 103, entitled "An Act to amend an Act to preserve wild game, and to repeal all other Acts in relation thereto," approved February 23, 1877, were this day concurred in by the Senate: Yeas, 16; nays, 4.

Also, Senate Bill No. 156, which passed the Senate on yesterday: Yeas, 16; nays, 8.

Also, Senate Bill No. 20, which passed the Senate on yesterday: Yeas, 23; nays, 1.

Also, Senate Bill No. 163, which passed the Senate on yesterday: Yeas, 20; nays, 0.

Also, Senate Bill No. 165, which passed the Senate on yesterday: Yeas, 16; nays, 0.

Also, Senate Bill No. 185, which passed the Senate on yesterday: Yeas, 17; nays, 0.

Also, Senate Bill No. 176, Substitute for Assembly Bill No. 120, which passed the Senate on yesterday: Yeas, 20; nays, 4.

Also, return to your Honorable Body, Assembly Bill No. 71—An Act to provide a supply of water for the Capitol, and for the State Orphans' Home, which passed the Senate on yesterday: Yeas, 15; nays, 9.

Also, transmit for the consideration of your Honorable Body, Senate Bill No. 187—An Act to prevent slavery or involuntary servitude, unless for the punishment of crime, in the State of Nevada, and to enforce the provisions of Section 17 of Article I. of the Constitution of the State of Nevada, which passed the Senate this day: Yeas, 22; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

SENATE CHAMBER,  
CARSON CITY, NEV., March 5, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body Senate Bill No. 184, entitled "An Act providing for penalties for the violation of any law of this State regulating the charges for the transportation of persons and property by railroads in this State, which passed the Senate on yesterday—Yeas, 22; nays, 0.

Also, to return Assembly Bill No. 57—An Act to establish a State Printing office, and to create the office of Superintendent of State Printing, which passed the Senate yesterday—Yeas, 15; nays, 6.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

#### FIRST READING OF BILLS.

Senate Bill No. 184 (as per Senate message).

Bill read first time.

On motion of Mr. Foulks, the rules were suspended, bill read second time by title, rules were further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard,

Crawford, Eldred, Fish, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Davies, Plummer, Wermuth, and Lyon, of White Pine.

Mr. Allen (of Storey) moved to take from the table Assembly Resolution relative to paying Chief Committee Clerk Kelly fifty dollars for extra clerical services.

Lost.

Mr. Smith (of Lyon) moved to take up Senate Bill No. 182.

Agreed to.

Senate Bill No. 182—An Act to appropriate twenty-five hundred dollars, for the immediate relief of those rendered destitute by the Silver City fire of March 4, 1879.

Bill read first time, rules were suspended, read second time by title, and referred to the Committee of the Whole.

Senate Bill No. 75—An Act to establish and maintain a State Asylum for the indigent poor and maimed of this State.

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

On motion of Mr. Lane, the House resolved itself into the Committee of the Whole, for the consideration of Senate Bills Nos. 182 and 75.

Speaker *pro tem.* in the chair.

In time, the committee arose, and reported back Senate Bills Nos. 182 and 75, without amendments, and recommended their passage.

Speaker *pro tem.* in the chair.

Report of Committee of the Whole adopted.

Mr. Smith (of Lyon) gave notice that on the next legislative day he would move for a reconsideration of the vote by which Assembly Bill No. 101 was passed.

Mr. Wilson moved to take up Senate Bill No. 176, substitute for Assembly Bill No. 120—Relating to railroads within the State of Nevada, and to prevent discrimination, and to regulate the transportation of persons and property thereon.

Bill read first time, rules suspended, read second time by title.

Mr. Wilson moved to further suspend the rules, the bill be read a third time, and placed on its final passage.

Mr. Lyons (of Storey) moved to refer the bill to the Committee of the Whole, and that it be made the special order, with other railroad bills, for seven o'clock p. m. of the fifth instant.

Lyons (of Storey), Foulks and Fisk called for the yeas and nays on the motion to refer.

Roll called, and motion lost by the following vote:

YEAS—Messrs. Fisk, Foulks, Green, Hanna, Harlow, Kennedy, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Price, Robinson, Shakespeare, Smith, of Lyon, Smyth, of Lander, Williams, and Mr. Speaker—18.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Lamb, Lane, Paton, Powell, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson—28.

Absent—Messrs. Davies, Lyon, of White Pine, and Plummer.

The question recurring on the motion made by Mr. Wilson, Messrs. Fisk, Lyon (of Storey), and Paton called for the yeas and nays.

Roll called, and motion lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Paton, Powell, Price, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson—30.

NAYS—Messrs. Fisk, Foulks, Green, Hanna, Harlow, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Robinson, Shakespeare, Smith, of Lyon, Smyth, of Lander, Williams, and Mr. Speaker—16.

Absent—Messrs. Davies, Lyon, of White Pine, and Plummer.

The Speaker *pro tem.* ruled out of order the notice of a reconsideration of the vote, given by Mr. Smith (of Lyon), relative to Assembly Bill No. 101.

Mr. Mayhugh moved that all railroad bills be made the special order for 7:30 P. M. this evening.

Agreed to.

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

*Resolved*, That all Senate Bills now on file, or that may be reported to this House during to-day (March 5, 1879), shall be placed at the bottom of the general file; and that we give precedence to and consider exclusively Assembly bills during this day.

Adopted.

By Mr. Mayhugh:

*Resolved*, That from and after the adoption of this resolution, no member of this House shall be allowed to speak oftener than once upon any bill, resolution or question during the same day, nor longer than five minutes.

Resolution laid over under the rule.

#### GENERAL FILE.

The House concurred in Senate Amendment to Assembly Bill No. 71—An Act to provide a supply of water for the Capitol, and for the State Orphans' Home, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Price, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Wilson, and Mr. Speaker—36.

NAYS—Messrs. Plummer, Powell, Shakespeare, Watt, Williams—5.

Absent—Messrs. Allen, of Storey, Davies, Foulks, Harlow, Howe, Prisk, Smith, of Lyon, and Wermuth.

Assembly Bill No. 124—An Act to amend section two of an Act entitled “An Act to provide for the purchase of certain supplies for the State officers and attaches of the Legislature;” approved March 2, 1877.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Hagar, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon of White Pine, Mayhugh, Melarkey, Paton, Poweil, Price, Prisk, Robinson, Shakespeare, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Wilson, and Mr. Speaker—32.

NAYS—Messrs. Crawford, Fisk, Green, Hanna, Morrison, Plummer, Sharp, Vansickle, and Watt—9.

Absent—Messrs. Allen, of Storey, Davies, Foulks, Harlow, Howe, Lane, Smith, of Lyon, Wermuth, and Williams.

Assembly Bill No. 137—An Act to amend an Act entitled “An Act to amend an Act in relation to highways;” approved March 15, 1875; approved March 2, 1877.

Bill read third time.

Mr. Mayhugh moved the reference of the bill to a committee of one to insert the word “run” before the word diagonally, in section one.

Agreed to, and Mr. Mayhugh was appointed as such committee, who reported the bill amended, as per instructions.

YEAS—Messrs. Allen, of Lincoln, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smith, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—Mr. Crawford—1.

Absent—Messrs. Allen, of Storey, Andrews, Davies, Howe, Wermuth, Fulton, and Shakespeare.

Assembly Bill No. 116—An Act for the relief of Mrs. Whitford and H. W. Putnam.

Mr. Fraser moved the reference of the bill to a special committee of one to amend so as to allow Mr. Putnam one hundred and twenty-five dollars in lieu of two hundred and fifty dollars.

Lost.

Mr. Gaston moved the reference of the bill to a committee of one to amend as follows: Strike out all that relates to H. W. Putnam.

Lost.

The bill having already been read a third time, the roll was called, and the bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fulton, Fraser, Ferguson, Gibson, Green, Hanna, Harlow, Irvine, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Paton, Powell, Plummer, Price, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Williams, and Wilson.—33.

NAYS—Messrs. Fisk, Hagar, Kennedy, Lamb, Mayhugh, Melarkey, Morrison, Robinson, Smith, of Lyon, Vansickle, and Mr. Speaker—11.

Absent—Messrs. Davies, Howe, Underwood, Wermuth, and Shakespeare.

The House concurred in Senate amendment to Assembly Bill No. 73—An Act entitled “An Act in relation to the burial of the dead of incorporated cities in the State of Nevada.”

Bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Williams, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Allen, of Storey, Andrews, Davies, Underwood, and Wermuth.

Assembly Bill No. 121—An Act imposing a tax and presenting the mode of collecting the same, on the privilege of selling wine, ardent spirits, or malt liquor within the limits of the State of Nevada, and to repeal all other Acts in relation thereto.

Laid on the table.

Assembly Bill No. 131—An Act amendatory of an Act entitled “An Act to regulate proceedings in civil cases in the courts of justices of this State, and to repeal all other Acts in relation thereto;” approved March 8, 1869.

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

Lost.

The bill having been read a third time, the roll was called, and the bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Foulks, Fraser, Fulton, Gibson, Hagar, Howe, Irvine, Lamb, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Plummer, Powell, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Watt, Williams, Wilson, and Mr. Speaker—28.

NAYS—Messrs. Beard, Crawford, Eldred, Fisk, Flannery, Ferguson, Green, Hanna, Harlow, Kennedy, Lane, Lawson, Melarkey, Morrison, Paton, Prisk, Smith, of Lyon, Smyth, of Lander, Vansickle—19.

Absent—Messrs. Davies and Wermuth.

Mr. Prisk, at 4:55 p. m., moved to take a recess until 7:30 p. m.

Lost.

Assembly Joint Resolution and Memorial No. 1, in relation to the Burlingame Treaty.

Laid on the table.

Assembly Bill No. 132—An Act regulating the powers and duties of the Board of County Commissioners of the several counties within this State in certain cases.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Vansickle, Watt, Williams, Wilson and Mr. Speaker—39.

NAYS—None.

Absent—Messrs. Davies, Lamb, Lane, Lyon, of White Pine, Plummer, Robinson, Taylor, Underwood, Wermuth and Flannery.

Mr. Speaker in the chair.

Assembly Bill No. 104—An Act to provide for the election of a Warden of the State Prison.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Hagar, Hanna, Howe, Irvine, Lane, Lawson, Mayhugh, Morrison, Plummer, Price, Prisk, Shakespeare, Smith, of Eureka, Smyth, of Lander, Underwood and Williams—26.

NAYS—Messrs. Allen, of Storey, Green, Harlow, Kennedy, Lyons, of Storey, Lyon, of White Pine, Melarkey, Paton, Powell, Robinson, Sharp, Smith, of Lyon, Smith, of Storey, Vansickle, Watt, Wilson and Mr. Speaker—17.

Absent—Messrs. Davies, Eldred, Lamb, Taylor, Wermuth and Foulks.

Assembly Bill No. 125—An Act to provide for the destruction of noxious animals within this State.

Bill read third time and laid on the table.

Assembly Bill No. 140—An Act for the collection of debts of twenty-five dollars or under.

Considered engrossed.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Crawford, Eldred, Fisk, Foulks, Fulton, Fraser, Ferguson, Gibson, Green, Harlow, Howe, Irvine, Kennedy,

Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Powell, Price, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wilson and Mr. Speaker—36.

NAYS—Allen, of Storey, Andrews, Beard, Hagar, Hanna, Plummer, Prisk, Vansickle and Williams—9.

Absent—Messrs. Davies, Flannery, Robinson and Wermuth.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker :*

Your Committee on Enrollment have carefully compared Assembly Bill No. 99—An Act to appropriate money for the payment of certain claims against the State of Nevada, and have found the same correctly enrolled, and have this day, fifth day of March, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

On motion of Mr. Allen (of Storey), at 4:23 P. M. the House took a recess until 7:30 P. M.

#### HOUSE IN SESSION.

At 7:30 P. M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

#### SPECIAL ORDER.

Mr. Smith (of Lyon) moved to take up Assembly Bill No. 112—An Act to regulate freights and fares on all railroads in this State.

Amendments reported by Committee of the Whole adopted.

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

YEAS—Messrs. Beard, Fisk, Foulks, Fraser, Green, Hanna, Harlow, Kennedy, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Robinson, Shakespeare, Smith, of Lyon, Smyth, of Lander, Williams, and Mr. Speaker—21.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Lamb, Lane, Paton, Price, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson—27.

Absent—Mr. Davies.

Assembly Bill No. 130—An Act relating to railroads, the termini of which are within the State of Nevada.

Mr. Allen (of Lincoln) moved to lay the bill on the table.

Messrs. Lyons (of Storey), Smith (of Lyon), and Hagar, called for the yeas and nays.

Roll called, and motion to lay on the table carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Lamb, Lane, Paton, Powell, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wilson—25.

NAYS—Messrs. Beard, Fisk, Foulks, Fraser, Green, Hanna, Harlow, Kennedy, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Price, Robinson, Shakespeare, Smith, of Lyon, Smyth, of Lander, Wermuth, Williams, and Mr. Speaker—23.

Absent—Mr. Davies.

Assembly Bill No. 133—An Act to regulate and fix the rates of fares and freights on railroads operated wholly or in part within this State.

Mr. Allen (of Lincoln) moved to lay the bill on the table.

Messrs. Hanna, Green and Melarkey called for the yeas and nays.

Roll called, and motion to lay on the table carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Paton, Powell, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Underwood, Vansickle, Watt, Wilson—25.

NAYS—Messrs. Beard, Fisk, Foulks, Fraser, Green, Hanna, Harlow, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Price, Robinson, Shakespeare, Smith, of Lyon, Smyth, of Lander, Taylor, Wermuth, Williams, and Mr. Speaker—23.

Absent—Mr. Davies.

Assembly Bill No. 36—An Act to regulate fares and freights upon railroads whose lines are wholly or in part within the State of Nevada.

Mr. Allen (of Lincoln) moved to lay the bill on the table.

Messrs. Melarkey, Green, and Lyons (of Storey), called for the yeas and nays.

Messrs. Lyons (of Storey), Hanna and Foulks, called for the yeas and nays.

Roll called, and motion to lay on the table carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Paton, Powell, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth and Wilson—27.

NAYS—Messrs. Beard, Fisk, Foulks, Fraser, Green, Hanna, Harlow, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Price, Robinson, Shakespeare, Smith, of Lyon, Smyth, of Lander, Williams and Mr. Speaker—21.

Absent—Mr. Davies.

Mr. Melarkey, at eight o'clock p. m., moved to adjourn.

Motion lost.

## SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., March 5, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 150, entitled "An Act to authorize and empower the Board of State Prison Commissioners to purchase for, and on behalf of, the State of Nevada, the property known as the Warm Springs Hotel, adjoining and west of the State Prison, and matter properly connected therewith," which passed the Senate this day: Yeas, 15; nays, 7.

Also, Senate Bill No. 110—An Act for the relief of Kimball & Swallon, which passed the Senate this day: Yeas, 21; nays, 2.

Also, Senate Bill No. 50, entitled "An Act to amend an Act to abolish the office of State Printer, and provide for the public printing," approved March 5, 1877, which passed the Senate this day: Yeas, 23; nays, 0.

Also, Senate Bill No. 137—An Act to prevent the diversion of water from irrigating ditches, and prescribing penalties therefor, which passed the Senate this day: Yeas, 16; nays, 6.

Also, Senate Bill No. 159—An Act to pay the claim of F. H. Harmon, which passed the Senate this day: Yeas, 24; nays, 0.

I also return to your Honorable Body Assembly Bill No. 92—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, approved March 11, 1867, approved March 3, 1869, approved March 4, 1871, approved February 20, 1873, approved February 20, 1877, which passed the Senate this day: Yeas, 18; nays, 2.

Also, Senate Bill No. 106, entitled "An Act for the relief of Benjamin F. Wallace," which passed the Senate this day: Yeas, 15; nays, 8.

Also, Senate Bill No. 167, entitled "An Act to provide for the government of unincorporated towns in this State," which passed the Senate this day: Yeas, 19; nays, 0.

Also, Senate Bill No. 173—An Act to authorize the purchase of land and building a court-house in Ormsby County, or repairing and reconstructing the court-house now in said county, as the taxpayers may elect, and to authorize the issue of bonds for the payment of any indebtedness thereby created, which passed the Senate this day: Yeas, 19; nays, 0.

Also, Senate Bill No. 178—An Act supplementary to an Act entitled "An Act to regulate fees and compensation for officials and other services in the State of Nevada," approved March 9, 1865, which passed the Senate this day: Yeas, 22; nays, 0.

Also, Senate Bill No. 124, the Senate having this day refused to concur in the Assembly amendments to the same, and asking that the Assembly recede from its amendments.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Mr. Fisk moved to take up the substitute for Senate Bill No. 167—An Act to provide for the government of unincorporated towns in this State.

Agreed to.

Substitute for Senate Bill No. 167 read first time, rules suspended, read second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson and Mr. Speaker—46.

NAYS—Mr. Smith, of Lyon—1.

Absent—Messrs. Davies and Smyth, of Lander.

Mr. Mayhugh moved to take up Senate Bill No. 178—An Act supplementary to "An Act to regulate fees and compensation for official and other services in the State of Nevada," approved March 9, 1865.

Agreed to.

Senate Bill No. 178 read first time, rules suspended, read second time by title, rules further suspended.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hanna, Harlow, Howe, Irvine, Kennedy, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Wermuth, Williams, Wilson, and Mr. Speaker—40.

NAYS—Messrs. Allen, of Storey, Beard, Crawford, Green, Hagar, Lamb, Watt—7.

Absent—Messrs. Davies and Powell.

The House refused to recede from its amendments to Senate Bill No. 124—An Act making appropriations for the support of the Civil Government of the State of Nevada, for the fifteenth and sixteenth fiscal years.

Mr. Mayhugh moved the appointment of a Committee of Conference on the part of the House, consisting of three members, on Senate Bill No. 124.

Agreed to.

Mr. Speaker appointed Messrs. Mayhugh, Lane and Foulks as such committee.

Mr. Allen (of Lincoln) moved that Senate substitute for Assembly Bill No. 120 be adopted.

Mr. Speaker ruled the motion out of order.

Mr. Wilson appealed from the decision of the chair.

Pending the determination of the appeal, Messrs. Lyons (of Storey), Fisk and Green moved a call of the House.

Agreed to.

Roll called.

Absent—Mr. Davies.

Mr. Lyon asked leave of absence for Mr. Davies for the remainder of the evening.

Granted.

On motion of Mr. Kennedy, further proceedings under the call was dispensed with.

Mr. Mayhugh moved to take up Senate Bill No. 82—An Act fixing the salaries of the various county officers in the several counties of this State, and other matters in relation thereto.

Agreed to.

Mr. Wilson renewed his appeal from the decision of the chair.

Mr. Speaker refused to entertain the appeal, on the ground that the motion on which the appeal is founded is not in order, and could not be entertained by the chair.

Mr. Wilson, at 8:50 P. M., moved to adjourn.

Motion lost.

Mr. Eldred moved to lay Senate Bill No. 82 on the table.

Motion lost.

Senate Bill No. 82 read third time.

Amendments made thereto by the appointment of Special Committees.

The roll was then called, and the bill passed by the following vote:

YEAS—Messrs. Andrews, Beard, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Hagar, Hanna, Harlow, Howe, Irvine, Lane, Lawson, Lyons, of Storey, Mayhugh, Plummer, Powell, Price, Prisk, Robinson, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Underwood, Vansickle, and Mr. Speaker—28.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Crawford, Eldred, Ferguson, Green, Kennedy, Lamb, Lyon, of White Pine, Melarkey, Morrison, Paton, Shakespeare, Sharp, Smyth, of Lander, Taylor, Watt, Wermuth, Williams, Wilson—20.

Absent—Mr. Davies.

Mr. Fisk, at 9:35 P. M., moved to adjourn.

Motion lost.

Mr. Allen (of Lincoln) moved that Senate Bill No. 176, substitute for Assembly Bill No. 120, be taken up.

Motion carried.

Mr. Smith (of Lyon), at 9:40 P. M., moved to adjourn.

Motion lost.

Mr. Allen (of Lincoln) moved that the rules be suspended, Senate Bill No. 176, substitute for Assembly Bill No. 120, be placed on its third reading and final passage.

Messrs. Harlow, Fisk, and Lyons (of Storey) called for the yeas and nays.

Roll called, and motion lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Wilson—31.

NAYS—Messrs. Beard, Fisk, Foulks, Green, Hanna, Harlow, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Shakespeare, Smith, of Lyon, Smyth, of Lander, Williams, and Mr. Speaker—17.

Absent—Mr. Davies.

#### REPORTS OF THE COMMITTEE ON CONFERENCE.

Mr. Mayhugh, from the Committee on Conference, reported that the House committee had met a like committee on part of the Senate, and had failed to come to any agreement, and would, therefore, recommend the appointment of a Committee of Free Conference.

Report of committee adopted, and Mr. Speaker appointed Messrs. Mayhugh, Foulks, and Lane a Committee on Free Conference.

Mr. Fisk, at 9:50 p. m., moved to adjourn.

Motion lost.

Mr. Smith (of Lyon), at 9:52, moved to adjourn.

Motion carried.

Approved:

H. A. GASTON,

Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of Assembly.

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#### SIXTIETH DAY.

CARSON CITY, NEV., March 6, 1879.

The House met at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Rev. Mr. Weir.

On motion of Mr. Allen, of (Lincoln) the reading of the Journal of the fifty-ninth day was dispensed with.

#### REPORTS OF STANDING COMMITTEES.

*Mr. Speaker:*

Your Committee on Ways and Means to whom was referred Substitute for Senate Bill No. 2—An Act to reduce the rate of State taxation, have had the same under consideration, and recommend its passage.

J. P. FOULKS, Chairman.

*Mr. Speaker:*

Your Committee on Contingent Expenses and Accounts have had under consideration certain bills presented by the Sergeant-at-Arms of the Assembly against the State of Nevada, to wit:

To J. M. Benton.....	\$ 15 00
To Carson City Gas Company .....	106 60
To C. B. Rail .....	13 00
To A. Ames.....	10 00
To Lew Doren .....	25 00
To Harris Brothers .....	10 00
To Chas. W. Friend .....	2 50
To William Alpersen .....	6 25
To Carson Water Company.....	15 00
To B. F. Foster .....	1 00
To Wm. Anderson.....	10 00
To T. J. Williamson .....	2 50
Total.....	<hr/> \$216 85

Having examined the merits of the above bills, report them correct, and recommend the adoption of the accompanying resolution, providing for their payment:

*Resolved*, That the Controller of State be and is hereby authorized to draw his warrant in favor of C. H. Stoddard, Sergeant-at-Arms of the Assembly, for the sum of two hundred and sixteen and 85-100 dollars (\$216.85), the same to be paid from the Legislative Fund.

H. VANSICKLE, Chairman.

Resolution adopted.

Mr. Hanna moved to take up Substitute for Senate Bill No. 2.—An Act to reduce the rate of taxation.

Agreed to.

Substitute for Senate Bill No. 2, read third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Williams, and Wilson—41.

NAYS—Messrs. Paton, Underwood, and Mr. Speaker—3.

Absent—Messrs. Davies, Ferguson, Lyons, of Storey, Smith, of Lyon, and Wermuth.

*Mr. Speaker:*

Your Committee on Agriculture, to which was referred Senate Bill No. 130—An Act to prohibit and punish the killing and branding of stock

running at large by persons not owning the same, have had the same under consideration, and report favorably, and recommend that it do pass.

O. P. CRAWFORD, Chairman.

*Mr. Speaker:*

Your Committee on Contingent Expenses and Accounts, have had under consideration certain bills and find them correct; bills accompanying report:

To J. J. Shepard, one cord of wood.....	\$11 00
To Mrs. Sternberg, room rent sixty days for use of Committee	
Clerks, as per agreement .....	50 00
Total.....	\$61 00

Having examined the merits of the above bills, report them correct, and recommend the adoption of the accompanying resolution, providing for their payment:

*Resolved*, That the Controller of State be and is hereby authorized to draw his warrant in favor of H. Vansickle, of the Assembly, for the sum of sixty-one dollars, the same to be paid from the Legislative Fund.

H. VANSICKLE, Chairman.

Resolution adopted.

#### REPORTS OF SELECT COMMITTEES.

*Mr. Speaker:*

Your Select Committee to which was referred Senate Bill No. 157, beg leave to report the same back, without recommendation.

#### EUREKA DELEGATION.

*Mr. Speaker:*

The Special Committee appointed to investigate the affairs of the Orphans' Home have given the subject their careful attention, and from testimony adduced, it is their opinion that fraud has been practiced in purchasing supplies for the Home, for charging for more than was purchased; that children have been too severely treated by the Matron; and that the Board of the State Orphans' Home has neglected to perform its duty in very many respects.

Your committee find the Home cleanly and neatly kept, and all the children in good health, and the School well conducted.

H. KENNEDY.  
S. M. BEARD.

On motion of Mr. Mayhugh, the report of Select Committee on Orphans' Home was adopted.

## MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT, }  
CARSON CITY, March 5, 1879. }

*To the Honorable the Assembly:*

I have this day approved, and deposited in the office of the Secretary of State, Assembly Bills as follows:

Assembly Bill No. 52—An Act to amend an Act entitled "An Act to incorporate Carson City," approved February 25, 1875.

Assembly Bill No. 115—An Act to amend an Act entitled "An Act to create a Current Expense Fund for Nye County," which became a law without the approval of the Governor March 2, 1877.

Assembly Bill No. 119—An Act to admit to probate a certain paper purporting to be the last will and testament of A. Benedict, deceased.

JOHN H. KINKEAD,  
Governor.

## MOTIONS AND RESOLUTIONS.

By Mr. Fiske:

*Resolved*, That the Speaker and Chief Clerk of the Assembly are hereby authorized to read and approve the Assembly Journal when it is written up, after the close of the session.

Adopted.

By Mr. Harlow:

*Resolved*, That the State Controller be authorized and directed to draw his warrant on the Legislative Fund in favor of Thomas J. Tennant, Engrossing Clerk of the Assembly, for the sum of sixty-five dollars and fifty cents (\$65.50), for extra compensation paid for engrossing, and that the Treasurer pay the same.

Adopted.

## SENATE MESSAGE.

SENATE CHAMBER, }  
CARSON CITY, NEV., March 5, 1879. }

*To the Honorable the Assembly:*

I have the honor to return to your honorable body Assembly Bill No. 91—An Act to pay the claim of H. Knight, Assessor of Eureka County, which passed the Senate this day: Yeas, 19; nays, 0.

Also, Assembly Bill No. 72, which passed the Senate this day: Yeas, 19; nays, 0.

Also, Assembly Bill No. 103, which passed the Senate this day: Yeas, 19; nays, 0.

Also, Assembly Bill No. 142, which passed the Senate this day: Yeas, 22; nays, 0.

Also, return to your Honorable Body, Assembly Bill No. 29, which was this day indefinitely postponed by the Senate.

Also, Assembly Bill No. 95, which passed the Senate: Yeas, 14; nays, 9.

Also, Assembly Bill No. 118, which passed the Senate this day: Yeas, 22; nays, 0.

Also, Substitute for Assembly Bill No. 14, which was this day indefinitely postponed.

I am instructed to inform your Honorable Body, that Senators Comins, King and Westerfield have been appointed a Committee of Conference on Assembly amendments to Senate Bill No. 124.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

#### INTRODUCTION AND FIRST READING OF BILLS.

Mr. Allen (of Lincoln) moved that the rules be suspended, and that all bills on their first and second reading be read a first and second time by title, unless otherwise ordered. •

Agreed to.

Senate Bill No. 140—An Act to repeal Section 3 of an Act entitled "An Act providing for the taxation of mines that produce one ton or less a day of ore, or mineral-bearing material, and to encourage the prospecting of undeveloped mines," approved March 5, 1877.

Rules suspended, read first and second time by title.

Senate Bill No. 177—An Act to authorize the County Commissioners of Washoe to issue bonds for the construction of a bridge across the Truckee River, at Wadsworth, in said county, and to provide for the same.

Rules suspended, read first and second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Andrews, Beard, Crawford, Eldred, Fisk, Flaunnery, Foulks, Fulton, Ferguson, Gibson, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Allen, of Storey, Davies, Fraser, Green, Hagar, Mayhugh, Melarkey and Wilson.

Senate Joint Memorial No. 27—Relative to the abandonment of the Walker River Indian Reservation, and the removal of the Indians now occupying the same to the Pyramid Lake Reservation.

Rules suspended, read first and second time by title.

Senate Bill No. 163—An Act to amend an Act entitled "An Act to re-incorporate the City of Virginia and to provide for the government thereof, and to repeal all other acts in relation thereto," approved March 2, 1877.

Rules suspended, read first and second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams and Mr. Speaker—44.

NAYS—None.

Absent—Messrs. Davies, Mayhugh, Smith, of Eureka, Underwood, and Wilson.

Senate Bill No. 183—An Act to authorize the School Trustees of Eureka School District, in Eureka County, Nevada, to issue bonds for school purposes.

Rules suspended, read first and second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Wermuth, Williams and Mr. Speaker—44.

NAYS—None.

Absent—Messrs. Davies, Foulks, Mayhugh, Taylor and Wilson.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker:*

Your Committee on Enrollment have carefully compared Assembly Bill No. 91—An Act to pay the claim of H. Knight, Assessor of Eureka County.

Also, Assembly Bill No. 90—An Act to provide revenue for the support of the State of Nevada.

Also, Assembly Bill No. 118—An Act concerning crimes and punishments.

Also, Assembly Bill No. 57—An Act to establish a State Printing Office.

Also, Assembly Bill No. 67—An Act to disincorporate the town of Treasure City.

Also, Assembly Bill No. 92—An Act to provide revenue for the support of the State of Nevada.

Also, Assembly Bill No. 111—An Act to regulate the sale and disposal of opium.

Also, Assembly Bill No. 28—An Act for the relief of Jerry Schooling.

Also, Assembly Bill No. 25—An Act to restrict gaming, and have found the same correctly enrolled, and have this sixth day of March, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

Mr. Kennedy moved to take up Senate Bill No. 182—An Act to appropriate two thousand five hundred dollars for the immediate relief of those rendered destitute by the Silver City fire of March 4, 1879.

Bill read first time, rules suspended, read second time by title, rules further suspended.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Fisk, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson—43.

NAYS—Mr. Speaker—1.

Absent—Messrs. Davies, Foulks, Mayhugh, Robinson, and Smith, of Storey.

Mr. Speaker presented the following explanation of his vote on Senate Bill No. 182:

I desire to explain my vote on this bill for the relief of the sufferers of Silver City by fire, and on the bill for the relief of the sufferers by fire at Reno, which passed the House on Monday last. Every inclination of my nature, and every impulse of my heart prompted me to vote for the bill, for I knew by experience what it was to lose everything by fire, and to have no kind hand stretched out to aid me; but I know of no provision of the Constitution for the use of the public money in charities, however

deserving or urgent; and I fear to open the doors of our Treasury for any other than the purposes for which taxes are collected. It is true that the amount for each tax-payer would be small, but the precedent, once established, might result in bankrupting the State. I should be glad to vote for this bill, but my individual sense of duty to the State forbids my doing as my sympathies prompt me.

Committee on Free Conference reported that they had agreed on amendments to the Civil Appropriation Bill—Senate Bill No. 124.

The report of the Committee was adopted by the following vote:

YEAS—Messrs. Allen, of Storey, Andrews, Beard, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—44.

NAYS—Messrs. Allen, of Lincoln, Crawford, Lamb, and Smith, of Eureka—4.

Absent—Mr. Davies.

Senate Bill No. 57—An Act to pay J. H. Mathewson and others for extra and meritorious services as officers of the State Prison.

Rules suspended, read first and second time by title.

Senate Bill No. 61—An Act to provide the State Land Office with a seal and to legalize the use thereof.

Rules suspended, read first and second time by title.

Senate Bill No. 123—An Act to detach a portion of the territory of Nye County from said county and to attach the same to White Pine County.

Rules suspended, read first and second time by title.

Senate Bill No. 138—An Act to provide for the purchasing of the portrait of Ex-Senator James W. Nye.

Rules suspended, read first and second time by title.

Senate Bill No. 152—An Act to provide for the purchase of portraits of Ex-Governors H. G. Blasdel and Lewis R. Bradley.

Rules suspended, read first and second time by title.

Senate Bill No. 180—An Act to authorize the School Trustees of School District No. 1, of Ormsby County, to issue warrants to pay certain indebtedness in said district, and to continue the sessions of the schools in said district.

Rules suspended, read first and second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Davies, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Kennedy, Lane, Lawson, Lyon, of White Pine, Melarkey, Paton, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, and Wilson—36.

NAYS—Messrs. Irvine, Lamb, Plummer, Powell, Smith, of Lyon, and Mr. Speaker—6.

Absent—Messrs. Allen, of Storey, Lyons, of Storey, Mayhugh, Morrison, Smith, of Eureka, and Wermuth.

On motion of Mr. Plummer Senate message was taken up.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, March 6, 1879. }

*To the Honorable the Assembly :*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 189, entitled an Act to amend "An Act to prevent discrimination in fares and freights by railroad companies whose railroads run through the State of Nevada; or by railroad companies the terminus or termini of whose railroads are within the State of Nevada," approved February 12, 1879.

GEO. I. LAMMON,  
Secretary of Senate.

Senate Bill No. 185—An Act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections, and relinquishing to the United States all such sixteenth and thirty-sixth sections as have not been sold or disposed of by the State.

Rules suspended, read first and second time by title.

Senate Bill No. 120—An Act to amend Section 4 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 March 5, 1877.

Rules suspended, read first and second time by title.

Senate Bill No. 187—An Act to prevent slavery or involuntary servitude, unless for the punishment of crime, in the State of Nevada, and to enforce the provisions of Section 17 of Article 1 of the constitution of the State of Nevada.

Rules suspended, read first and second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Fisk, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Lyons, of Storey, Lyon, of White Pine, Mayhugh, and Shakespeare.

Mr. Plummer moved to take up Senate Bill No. 189.

Agreed to.

Senate Bill No. 189—An Act to amend an Act entitled "An Act to prevent discrimination in fares and freights by railroad companies whose railroads run through the State of Nevada; or by railroad companies the terminus or termini of whose railroads are within the State of Nevada," approved February 12, 1879.

Bill read first time, rules suspended, read second time by title.

Mr. Plummer moved a further suspension of the rules, and the bill be placed on its third reading and final passage.

Messrs. Lyons (of Storey), Foulks and Green called for the yeas and nays.

Roll called, and motion carried by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Flannery, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson—34.

NAYS—Messrs. Beard, Fisk, Foulks, Fraser, Green, Hanna, Harlow, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Smith, of Lyon, Smyth, of Lander, and Mr. Speaker—15.

Senate Bill No. 189 read third time.

Mr. Allen (of Lincoln) moved the previous question.

Agreed to.

The previous question being on the final passage of the bill, roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine,

Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson—33.

NAYS—Messrs. Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Smith, of Eureka, Smyth, of Lander, and Mr. Speaker—16.

On motion of Mr. Fulton, at twelve m. the House took a recess until 1:15 p. m.

## HOUSE IN SESSION.

At 1:15 p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Leave of absence was granted to Mr. Davies for the remainder of the session, on account of sickness.

Also, to Mr. Fisk, on account of sickness in his family.

Mr. Melarkey arose to a question of privilege, and retracted the remarks made by him during the morning session relative to one of the Supreme Judges of the Supreme Court of the State of Nevada, and also apologized to the House for using such remarks.

Senate Bill No. 165—An Act to amend the charter of the town of Gold Hill.

Rules suspended, bill read first and second times by title.

Senate Bill No. 137—An Act to prevent the diversion of water from irrigating ditches, and prescribing penalties therefor.

Rules suspended, bill read first and second times by title.

Senate Bill No. 110—An Act for the relief of Kimball and Swallow.

Rules suspended, bill read first and second times by title.

Senate Bill No. 159—An Act to pay the claim of F. H. Harmon.

Rules suspended, bill read first and second times by title, and referred to the Committee of the Whole.

Senate Bill No. 50—An Act to amend an Act to abolish the office of State Printer, and provide for the public printing; approved March 5, 1877.

Rules suspended, bill read first and second times by title. \*

Senate Bill No. 173—An Act to authorize the purchase of land and building a court-house in Ormsby County, or repairing and reconstructing the court-house now in said county, as the taxpayers may elect; and to authorize the issue of bonds for the payment of any indebtedness thereby created.

Rules suspended, bill read first and second times by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Ferguson, Flaunery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Under-

wood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

NAYS—None.

Absent—Messrs. Andrews, Fisk, and Lyon, of White Pine.

Senate Bill No. 106—An Act for the relief of Benjamin F. Wallace.

Rules suspended, bill read first and second times by title.

Senate Bill No. 166—An Act authorizing the payment of salaries of officers, fixed by law.

Rules suspended, bill read first and second time by title.

The House concurred in Senate Amendments to Assembly Bill No. 95—An Act to encourage the sinking of artesian wells, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—46.

NAYS—None.

Absent—Messrs. Andrews, Lyon, of White Pine, and Fisk.

#### GENERAL FILE.

Senate Bill No. 121—An Act concerning apprentices.

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

YEAS—Messrs. Allen, of Lincoln, Davies, Flannery, Foulks, Fraser, Gibson, Green, Hagar, Howe, Irvine, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Powell, Price, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Watt, Wermuth, Williams, and Wilson—27.

NAYS—Messrs. Allen, of Storey, Beard, Crawford, Eldred, Fulton, Ferguson, Hanna, Harlow, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Prisk, Smyth, of Lander, Vansickle, and Mr. Speaker—18.

Absent—Messrs. Andrews, Fisk, Lyon, of White Pine, and Underwood.

Senate Joint Resolution No. 31—In relation to changing mail service on Route No. 46,267, from Reno, in the State of Nevada, to Willow Ranch, in California, from tri-weekly service to seven times per week.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith,

of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—42.

NAYS—Mr. Beard—1.

Absent—Messrs. Andrews, Fisk, Howe, Lyon, of White Pine, Underwood, and Wermuth.

Senate Bill No. 142—An Act concerning the insane of the State of Nevada.

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

YEAS—Messrs. Allen, of Lincoln, Allen of Storey, Beard, Crawford, Eldred, Flannery, Foulks, Fulton, Ferguson, Hagar, Harlow, Irvine, Kennedy, Lane, Lawson, Mayhugh, Paton, Plummer, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—32.

NAYS—Messrs. Davies, Fraser, Gibson, Green, Hanna, Lamb, Lyons, of Storey, Melarkey, Morrison, Powell, Shakespeare, and Smith, of Lyon—12.

Absent—Messrs. Andrews, Fisk, Howe, Lyon, of White Pine, and Underwood.

Senate Bill No. 107—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 8, 1865, approved February 21, 1877.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Eldred, Flannery, Fraser, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—Mr. Beard—1.

Absent—Messrs. Fisk, Foulks, Fulton, Howe, and Lyon, of White Pine.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEVADA, March 6, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 190, entitled an Act to amend an Act entitled “An Act to re-incorporate the city of Virginia, and to provide for the government thereof, and repeal all other laws in relation thereto,” approved March 2, 1877.

GEO. I. LAMMON,  
Secretary of the Senate.

Senate Bill No. 190—(As per Senate message.)

Rules suspended, read first and second time by title, rules further suspended, read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Davies, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Harlow, Howe, Irvine, Kennedy, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson and Mr. Speaker—37.

NAYS—Messrs. Allen, of Storey, Beard, Crawford, Ferguson, Hanna and Powell—6.

Absent—Messrs. Eldred, Fisk, Hagar, Lamb, Lyon, of White Pine and Wermuth.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
CARSON CITY, March 6, 1879. }

*To the Honorable the Assembly:*

I have this day approved, and deposited in the office of the Secretary of State, Assembly Bills, as follows:

Assembly Bill No. 28—An Act for the relief of Jerry Schooling, late State Treasurer.

Assembly Bill No. 90—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.

Assembly Bill No. 91—An Act to pay the claim of H. Knight, Assessor of Eureka County.

JOHN H. KINKEAD,  
Governor.

SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., March 6, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No. 179—An Act for the relief of R. G. Montrose, Assessor of Douglass County, State of Nevada.

I also return to your Honorable Body, Assembly Bill No. 117, which passed the Senate this day, with amendment: Yeas, 18; nays, 4.

Also, Senate Concurrent Resolution No. 32, which was this day unanimously adopted by the Senate.

Also, Assembly Bill No. 85, which was this day lost in the Senate: Yeas, 11; nays, 11.

Also, Assembly Joint Resolution No. 27, which passed the Senate: Yeas, 19; nays, none.

Also, Assembly Bill No. 89, which passed the Senate: Yeas, 15; nays, 6.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

SENATE CHAMBER,  
CARSON CITY, March 6, 1879. }

*To the Honorable the Assembly:*

I have the honor herewith to transmit for the consideration of your Honorable Body, Senate Bill No 98—An Act to amend an Act 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 9, 1865; approved March 6, 1875.

GEO. I. LAMMON,  
Secretary of Senate.

Mr. Mayhugh moved to refer the petition presented to the House by Mr. Wermuth, of Eureka, a few days ago, to the Eureka County Delegation.

Agreed to.

Senate Concurrent Resolution No. 32, relative to purchasing bullion in Carson City, State of Nevada.

Resolution read, and adopted.

House concurred in Senate amendments to Assembly Bill No. 117—An Act to amend section two of an Act entitled "An Act authorizing D. D. Kingsbury and James M. McDonald to establish and maintain a toll road," by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Davies, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—41.

NAYS—Mr. Lawson—1.

Absent—Messrs. Fisk, Foulks, Hagar, Lyon, of White Pine, Price, Smith, of Lyon, and Wermuth.

Senate Bill No. 75—An Act to establish and maintain a State Asylum for the indigent poor and maimed of this State.

Bill read third time.

Messrs. Fulton and Plummer moved the previous question.

Agreed to.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Hanna, Harlow, Howe, Irvine, Lane, Lawson, Lyons, of Storey, Mayhugh, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—38.

NAYS—Messrs. Davies, Green, Hagar, Kennedy, Lamb, Lyon, of White Pine, Melarkey, Shakespeare, Smith, of Lyon, and Vansickle—10.

Absent—Mr. Fisk.

Mr. Smith (of Eureka) moved to take up Senate Bill No. 140—An

Act to repeal section three of an Act providing for the taxation of mines that produce one ton or less a day of ore or mineral-bearing material, and to encourage the prospecting of undeveloped mines; approved March 5, 1877.

Agreed to.

Senate Bill No. 140.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Foulks, Fraser, Fulton, Ferguson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—42.

NAYS—None.

Absent—Messrs. Andrews, Fisk, Flannery, Gibson, Lane, Mayhugh, and Powell.

Mr. Watt moved to take up Senate Bill No. 20—An Act to amend section four 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 March 5, 1877.

Agreed to.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Davies, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Paton, Plummer, Robinson, Shakespeare, Sharp, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—37.

NAYS—Messrs. Beard, Eldred, Ferguson, Lamb, Melarkey, Morrison, Price, Smith, of Eureka, Vansickle—8.

Absent—Messrs. Fisk, Howe, Powell, and Prisk.

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

*Resolved*, That the State Controller draw his warrant on the Legislative Fund in favor of Messrs. Latta & Chedic, for the sum of one hundred and fifty-two dollars and seventy-five cents (\$152.75), for services rendered in preparing Legislative Chambers, immediately preceding the convening of the ninth session Nevada Legislature, and that the Treasurer pay the same.

Adopted.

By Mr. Ferguson:

*Resolved*, That the State Controller is hereby directed to draw his warrant on the Legislative fund in favor of L. Duncan and M. Cavanaugh, for the sum of thirty dollars (\$30), for cleaning Assembly Chamber after adjournment of ninth session, 1879, and that the State Treasurer is hereby directed to pay the same.

Laid on the table, on motion of Mr. Mayhugh.  
By Mr. Taylor:

*Resolved*, That the Controller of State be and is hereby authorized and directed to draw his warrant in favor of William Alperson, Assembly Journal Clerk, for the sum of one hundred dollars, for extra services rendered by him after the close of the ninth session of the Nevada Legislature, the same to be paid out of the Legislative Fund.

On motion of Mr. Melarkey, the resolution was laid on the table.

Senate Bill No. 135—An Act repealing all matters relating to copying into an Appendix the annual Reports of State officers, and other documents, and providing for the deposit of printed copies with the Secretary of State.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey, Paton, Plummer, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—37.

NAYS—None.

Absent—Messrs. Beard, Davies, Fisk, Flannery, Foulks, Hagar, Harlow, Howe, Morrison, Powell, Price, and Underwood.

Senate Bill No. 127—An Act to amend an Act entitled "An Act in relation to public highways," approved March 15, 1875.

Mr. Allen (of Lincoln) moved to lay the bill on the table.

Agreed to.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to regulate the salaries of County Auditors," was, on motion of Mr. Kennedy, laid on the table.

Senate Bill No. 145—An Act to provide for recording all contracts and agreements entered into, by, and between the State of Nevada and any person, persons, company, or corporation.

Bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Beard, Eldred, Fraser, Gibson, Hanna, Harlow, Howe, Kennedy, Lane, Lawson, Mayhugh, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Williams, Wilson, and Mr. Speaker—29.

NAYS—Messrs. Crawford, Foulks, Ferguson, Green, Irvine, Lamb, Lyons, of Storey, Lyon, of White Pine, Smyth, of Lander, Vansickle, and Watt—11.

Absent—Messrs. Allen, of Storey, Andrews, Davies, Flannery, Hagar, Powell, Wermuth, Fulton, and Fisk.

Senate Bill No. 176, substitute for Assembly Bill No. 120, relating

to railroads within the State of Nevada, and to prevent discrimination and to regulate the transportation of persons and property thereon.

Mr. Lyons (of Storey) moved the indefinite postponement of the bill. Agreed to, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Andrews, Beard, Crawford, Eldred, Flannery, Fulton, Ferguson, Gibson, Hagar, Howe, Irvine, Kennedy, Lane, Lyons, of Storey, Morrison, Paton, Plummer, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—30.

NAYS—Messrs. Allen, of Storey, Foulks, Fraser, Green, Hanna, Harlow, Lamb, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Price, Robinson, Shakespeare, Smith, of Lyon, and Smyth, of Lander—16.

Absent—Messrs. Davies, Fisk, and Powell.

Senate Bill No. 150 referred to the Committee of the Whole.

Senate Bill No. 138 referred to the Committee of the Whole.

Senate Bill No. 152 referred to the Committee of the Whole.

Substitute for Senate Bill No. 57 referred to the Committee of the Whole.

Senate Bill No. 185—An Act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections, and relinquishing to the United States all such sixteenth and thirty-sixth sections as have not been sold or disposed of by the State.

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

YEAS—Messrs. Allen, of Lincoln, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Paton, Prisk, Robinson, Sharp, Smith, of Lyon, Smyth, of Lander, Taylor, Underwood, Wermuth, Williams, Wilson, and Mr. Speaker—35.

NAYS—Messrs. Mayhugh, Morrison, Plummer, Price, Shakespeare, Smith, of Eureka, Smith, of Storey, and Vansickle—8.

Absent—Messrs. Allen, of Storey, Andrews, Fisk, Melarkey, Powell, and Watt.

Senate Bill No. 157—An Act authorizing the County Commissioners of Eureka County to pay the claim of C. M. Bennett.

Laid on the table.

Senate Joint Memorial No. 27, relative to the abandonment of the Walker River Reservation, etc.

Laid on the table.

Senate Bill No. 130—An Act to prohibit and punish the killing or branding of stock running at large by persons not owning the same.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Beard, Crawford, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Melarkey,

Morrison, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Taylor, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Andrews, Fisk, Hanna, Powell, Smyth, of Lander, and Wermuth.

Senate Bill No. 123—An Act to detach a portion of the territory of Nye County, and to attach the same to White Pine County.

Laid on the table.

Senate Bill No. 179—An Act for the relief of R. G. Montrose, Assessor of Douglas County, State of Nevada.

Rules suspended, bill read first and second times by title, and referred to the Committee of the Whole.

Senate Bill No. 98—An Act to amend an Act 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 9, 1865, approved March 6, 1875.

Rules suspended, bill read first and second time by title, and laid on the table.

#### SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., March 6, 1879. }

*To the Honorable the Assembly:*

I have the honor to return to your Honorable Body, Assembly Bill No. 136, entitled "An Act to prohibit the unauthorized use of horses, mules, or work cattle," which passed the Assembly this day: Yeas, 15; Nays, 7.

Also, Assembly Bill No. 54—An Act making appropriation for a deficiency in the office of Secretary of State, for the thirteenth and fourteenth fiscal years, which was lost in the Senate this day: Yeas, 8; nays, 12.

Also, Assembly Bill No. 122, which was lost in the Senate: Yeas, 11; nays, 13.

Also, Assembly Bill No. 116, which passed the Senate this day amended: Yeas, 19; nays, 0.

Also, Assembly Bill No. 132, entitled "An Act regulating the powers and duties of the Board of County Commissioners of the several counties within this State in certain cases," which passed the Senate this day: Yeas, 18; nays, 1.

Also, Assembly Joint Resolution No. 26, relative to paying Walter H. Chedic sixty dollars for certain services rendered during the ninth session of the Legislature, which was unanimously adopted by the Senate this day.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

House concurred in Senate amendments to Assembly Bill No. 116—An Act for the relief of Mrs. Whitford and H. W. Putnam, by the following vote:

YEAS—Messrs. Allen, of Lincoln, Davies, Eldred, Flannery, Foulks, Ferguson, Gibson, Hagar, Harlow, Howe, Irvine, Kennedy, Lamb, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, and Mr. Speaker—33.

NAYS—Messrs. Allen, of Storey, Andrews, Beard, Fraser, Fulton, Green, Hanna, Lane, Lyons, of Storey, Powell, Smith, of Storey, Wilson—12.

Absent—Messrs. Crawford, Fisk, Price, and Smyth, of Lander.

Senate Bill No. 165—An Act to amend the charter of the town of Gold Hill.

Rules suspended.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Davies, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Price, Prisk, Shakespeare, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Underwood, Vansickle, Watt, Williams, Wilson, and Mr. Speaker—39.

NAYS—Messrs. Beard, Crawford, Powell, and Robinson—4.

Absent—Messrs. Fisk, Howe, Lyons, of Storey, Smith, of Lyon, Taylor, and Wermuth.

Mr. Mayhugh, at 4:15 p. m., moved to take a recess until 7 p. m.  
Agreed to.

## HOUSE IN SESSION.

At seven o'clock p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Mr. Allen (of Lincoln) moved to take Senate Bill No. 98 from the table.

Agreed to.

By Mr. Williams:

*Resolved*, That the Sergeant-at-arms be, and is hereby instructed, to withhold his warrant in favor of the Journal Clerk of this House until satisfactory and positive evidence has been received by him that the services required of said clerk have been performed.

Adopted.

Mr. Allen (of Lincoln) moved that Senate Bill No. 98 (fee bill) be read third time, and placed on its final passage.

Mr. Speaker ruled that to read the bill a third time this day required a suspension of the rules.

Mr. Allen (of Lincoln) appealed from the decision of the chair.

The question being, shall the decision of the chair stand as the judgment of the House, roll called, and the House sustained the chair by the following vote:

YEAS—Messrs. Allen, of Storey, Beard, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Green, Hagar, Hanna, Howe, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Shakespeare, Smith, of Lyon, Underwood, Vansickle, Williams—29.

NAYS—Messrs. Allen, of Lincoln, Andrews, Crawford, Gibson, Harlow, Irvine, Lyon, of White Pine, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Wermuth, and Wilson—17.

Absent—Messrs. Davies and Fisk.

Mr. Allen (of Lincoln) moved the suspension of the rules, and that Senate Bill No. 98 be placed on its third reading and final passage.

Messrs. Morrison, Hanna and Kennedy called for the yeas and nays. Roll called, and motion lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Ferguson, Gibson, Hagar, Harlow, Howe, Lane, Lyons, of Storey, Lyon, of White Pine, Mayhugh, Paton, Powell, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—32.

NAYS—Messrs. Beard, Foulks, Fraser, Green, Hanna, Irvine, Kennedy, Lamb, Lawson, Melarkey, Morrison, Plummer, Price, Shakespeare, and Vansickle—15.

Absent—Messrs. Davies and Fisk.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker:*

Your Committee on Enrollment have carefully compared Assembly Bill No. 72—An Act for the relief of L. Morris & Co., L. C. Wright, John P. Meader, and Western Union Telegraph Company.

Also, Assembly Bill No. 103—An Act to appropriate money for the payment of certain claims against the State of Nevada.

Also, Assembly Bill No. 142—An Act to prohibit the employment of Chinese and Mongolians.

Also, Assembly Bill No. 71—An Act to provide a supply of water for the Capitol and State Orphans' Home.

Also, Assembly Bill No. 73—An Act in relation to the burial of the dead.

Also, Assembly Bill No. 95—An Act to encourage the sinking of artesian wells, and have found the same correctly enrolled, and have this sixth day of March, 1879, handed the same to the Governor for his approval.

DANIEL LYONS, Chairman.

Senate Bill No. 159 referred to the Committee of the Whole.

Senate Bill No. 106 referred to the Committee of the Whole.

Senate Bill No. 50—An Act to amend “An Act to abolish the office of State Printer, and provide for the public printing,” approved March 5, 1877.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—45.

NAYS—None.

Absent—Messrs. Davies, Fisk, Lyons, of Storey, and Underwood.

Senate Bill No. 156—An Act authorizing the payment of salaries of officers fixed by law.

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

YEAS—Messrs. Allen, of Lincoln, Andrews, Crawford, Eldred, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—42.

NAYS—Mr. Beard—1.

Absent—Messrs. Allen, of Storey, Davies, Fisk, Foulks, Lyons, of Storey, and Underwood.

Senate Bill No. 137—An Act to prevent the diversion of water from irrigating ditches, and prescribing penalties therefor.

Bill read first time, rules suspended, read second time by title.

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

Motion lost.

Mr. Smith (of Eureka) moved a further suspension of the rules, and the bill be placed on its third reading and final passage.

Motion lost.

By Mr. Smith (of Lyon):

*Resolved*, That the Controller of State be and is hereby authorized and directed to draw his warrant on the Legislative Fund in favor of William Alpersen, Journal Clerk of the Assembly, for the sum of fifty dollars for services rendered in writing up the Journal of Ninth Session of the Nevada Legislature after adjournment, and the State Treasurer is directed to pay the same.

Adopted.

By Mr. Allen (of Storey):

*Resolved*, That the State Controller be and is hereby directed to draw

his warrant in favor of W. C. Holman for the sum of fifteen dollars for tending to the Assembly mail after the adjournment of the Legislature.

Adopted.

Mr. Robinson moved to take from the table Senate Bill No. 157—An Act authorizing the County Commissioners of Eureka County to pay the claim of C. M. Bennett.

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

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hanna, Harlow, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—None.

Absent—Messrs. Davies, Fisk, Hagar, Howe, Mayhugh, and Price.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker :*

Your Committee on Enrollment have carefully compared Assembly Bill No. 116—An Act for the relief of Mrs. Whitford.

Also, Assembly Bill No. 132—An Act for regulating the duties of the Board of County Commissioners.

Also, Assembly Bill No. 136—An Act to prohibit the unauthorized use of horses, mules and work cattle, and have found the same correctly enrolled, and have this sixth day of March, 1879, handed the same to the Governor for his approval.

Also, Assembly Concurrent Resolution No. 26, relative to paying W. H. Cheddic sixty dollars, and have found the same correctly enrolled, and have this sixth day of March, 1879, handed the same to the Secretary of State.

DANIEL LYONS, Chairman.

By Mr. Underwood:

*Resolved*, That the State Controller be, and is hereby directed, to draw his warrant in favor of John T. Reid, for the sum of ten dollars, for cleaning and re-arranging Assembly chamber after the close of the Legislature, and the State Treasurer is directed to pay the same.

Laid on the table.

On motion of Mr. Mayhugh, Assembly Bill No. 44 was taken from the table.

On motion of Mr. Lane, the House resolved itself into the Committee of the Whole for the consideration of bills referred to said Committee.

Mr. Speaker *pro tem.* in the chair.

In time the Committee arose and reported back Senate Bill No. 150—An Act to authorize and empower the Board of State Prison Commissioners to purchase for and on behalf of the State of Nevada the property known as the Warm Springs Hotel, adjoining and west of the State

Prison, and matter properly connected therewith, and recommend its passage.

Also, Senate Bill No. 179—An Act for the relief of R. G. Montrose, Assessor of Douglas County, State of Nevada, and recommended its passage.

Also, Senate Bill No. 6—An Act for the relief of Benjamin F. Wallace, recommending its passage.

Also, Senate Bill No. 159—An act to pay the claim of F. H. Harmon and recommended its passage.

Senate Bill No. 110—An Act for the relief of Kimball and Swallow, and recommended its passage.

Also, Substitute for Senate Bill No. 57—An Act to pay J. H. Mathewson and others for extra and meritorious services as officers of the State Prison.

Made amendments thereto, and recommended its passage as amended.

Also, Senate Bill No. 61—An Act to provide the State Land-office with a Seal, and to legalize the use thereof.

Recommended that it do not pass.

Also, Senate Bill No. 138—An Act to provide for the purchasing of the portrait of Ex-Senator James W. Nye.

Recommended its passage.

Also, Senate Bill No. 152—An Act to provide for the purchase of the portraits of Ex-Governors Henry G. Blasdel and L. R. Bradley.

Recommended its passage.

Mr. Speaker in the Chair.

Report of the Committee of the Whole adopted.

Mr. Smith (of Storey) moved a suspension of the rules, and Senate Bill No. 98 be placed on its third reading and final passage.

Messrs. Morrison, Foulks, and Shakespeare called for the yeas and nays.

Roll called, and motion lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Flannery, Fraser, Fulton, Gibson, Hagar, Harlow, Howe, Irvine, Lane, Lyon, of White Pine, Mayhugh, Paton, Powell, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—31.

NAYS—Messrs. Beard, Eldred, Foulks, Ferguson, Green, Hanna, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Morrison, Plummer, Price, Shakespeare, and Vansickle—16.

Absent—Messrs. Davies, and Fisk.

Assembly Bill No. 44—An Act to provide for the payment of a license tax to the State of Nevada by Commercial Travelers and others.

Laid on the table.

On motion of Mr. Smith (of Storey) Senate Bill No. 137—An Act to prevent the diversion of water from irrigating ditches, and prescribing penalties therefor, was laid on the table.

By Mr. Robinson:

*Resolved*, That the State Controller draw his warrant on the Legis-

lative Fund in favor of the Sergeant-at-Arms of the Assembly for the sum of thirty dollars, for three days' services in turning over State property in his possession to the Secretary of State, and re-arranging Assembly Chamber after adjournment of Ninth Session.

Adopted.

Senate Bill No. 150, relative to the purchase of the Warm Springs for the State Prison.

Bill read third time.

Mr. Lyons (of Storey) moved to lay the bill on the table.

Motion lost.

Roll called, and bill passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Eldred, Flannery, Fulton, Gibson, Harlow, Howe, Laue, Lawson, Lyon, of White Pine, Mayhugh, Paton, Plummer, Powell, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Wermuth, and Wilson—26.

NAYS—Messrs. Crawford, Foulks, Fraser, Ferguson, Green, Hagar, Hanna, Irvine, Kennedy, Lamb, Lyons, of Storey, Melarkey, Morrison, Price, Robinson, Shakespeare, Smith of Lyon, Vansickle, Watt, Williams, and Mr. Speaker—21.

Absent—Messrs. Davies, and Fisk.

Mr. Allen (of Lincoln) moved the appointment of a Committee of one to amend the title of the bill, so as to conform with the Act.

Agreed to.

Mr. Allen (of Lincoln) was appointed as such committee, who reported the title amended as per instruction.

Substitute for Senate Bill No. 57—An Act to pay J. H. Mathewson and others for extra and meritorious services, etc.

Amendments reported by Committee of the Whole adopted.

Rules suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Flannery, Fraser, Fulton, Gibson, Hagar, Harlow, Howe, Irvine, Lane, Lyon, of White Pine, Mayhugh, Morrison, Paton, Plummer, Powell, Prisk, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams, Wilson and Mr. Speaker—30.

NAYS—Messrs. Beard, Crawford, Eldred, Foulks, Ferguson, Green, Hanna, Kennedy, Lamb, Lawson, Melarkey, Price, Robinson, Shakespeare, Smith, of Lyon, and Vansickle—16.

Absent—Messrs. Davies, Fisk and Lyons, of Storey.

Senate Bill No. 159—An Act to pay the claim of F. H. Harmon.

Rules suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Flannery, Foulks, Fraser, Fulton, Gibson, Harlow, Howe, Irvine, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Paton, Plummer, Price,

Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Taylor, Watt, Wermuth, Williams, Wilson and Mr. Speaker—29.

**YAYS**—Messrs. Beard, Eldred, Ferguson, Green, Hanna, Kennedy, Lamb, Mayhugh, Melarkey, Morrison, Powell, Shakespeare, Smyth, of Lander, Underwood and Vansickle—15.

**Absent**—Messrs. Crawford, Davies, Fisk, Hagar and Smith, of Lyon.

Senate Bill No. 179—An Act for the relief of R. G. Montrose, Assessor of Douglas County, State of Nevada.

Rules suspended, bill read third time, and lost by the following vote:

**YEAS**—Messrs. Allen, of Lincoln, Andrews, Fulton, Gibson, Green, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Paton, Plummer, Price, Robinson, Smith, of Storey, Vansickle, Wilson and Mr. Speaker—20.

**NAYS**—Messrs. Beard, Crawford, Eldred, Flannery, Fraser, Ferguson, Hanna, Lyon, of White Pine, Mayhugh, Melarkey, Morrison, Powell, Shakespeare, Sharp, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth and Williams—20.

**Absent**—Messrs. Allen, of Storey, Davies, Fisk, Foulks, Hagar, Prisk, Harlow, Smith, of Eureka and Smith, of Lyon.

Senate Bill No. 110—An Act for the relief of Kimball and Swallow.

Rules suspended, bill read third time, and lost by the following vote:

**YEAS**—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Gibson, Hagar, Hanna, Irvine, Lane, Lawson, Lyon, of White Pine, Morrison, Paton, Plummer, Prisk, Smith, of Storey, Taylor, Underwood, Wermuth, Williams and Wilson—24.

**NAYS**—Messrs. Beard, Foulks, Fraser, Ferguson, Green, Howe, Kennedy, Lamb, Lyons, of Storey, Mayhugh, Melarkey, Powell, Price, Robinson, Shakespeare, Sharp, Smyth, of Lander, Vansickle, Watt and Mr. Speaker—20.

**Absent**—Messrs. Davies, Fisk, Harlow, Smith, of Eureka, and Smith, of Lyon.

Senate Bill No. 106—An Act for the relief of Benjamin F. Wallace.

Rules suspended, bill read third time, and passed by the following vote:

**YEAS**—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Flannery, Foulks, Fraser, Ferguson, Gibson, Hagar, Hanna, Harlow, Lane, Melarkey, Morrison, Paton, Plummer, Powell, Prisk, Robinson, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Wermuth, Williams, Wilson and Mr. Speaker—27.

**NAYS**—Messrs. Beard, Crawford, Eldred, Green, Howe, Kennedy, Lamb, Lawson, Lyon, of White Pine, Shakespeare, Sharp, Vansickle and Watt—13.

**Absent**—Messrs. Davies, Fisk, Fulton, Irvine, Lyons, of Storey, Mayhugh, Price, Smith, of Lyon, and Underwood.

Senate Bill No. 61—An Act to provide the State Land-office with a

seal, and to legalize the use thereof, was, on motion of Mr. Allen (of Lincoln) laid on the table.

Senate Bill No. 152—An Act to provide for the purchase of portraits of Ex-Governors Henry G. Blasdel and Lewis R. Bradley.

Rules suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Eldred, Foulks, Fulton, Green, Harlow, Irvine, Lane, Lyon, of White Pine, Mayhugh, Paton, Powell, Price, Prisk, Robinson, Sharp, Smith, of Eureka, Smyth, of Lander, Taylor, Underwood, Watt, Wermuth, Williams Wilson and Mr. Speaker—27.

NAYS—Messrs. Beard, Crawford, Flannery, Fraser, Ferguson, Gibson, Hagar, Hanna, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Morrison, Plummer, Shakespeare, Smith, of Storey, and Vansickle—18.

Absent—Messrs. Davies, Fisk, Howe, and Smith, of Lyon.

Senate Bill No. 138—An Act to provide for the purchase of the portrait of Ex-Senator James W. Nye.

Rules suspended, bill read third time, and passed by the following vote:

YEAS—Messrs. Allen of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Irvine, Lamb, Lane, Lawson, Mayhugh, Melarkey, Morrison, Paton, Plummer, Prisk, Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Underwood, Vansickle, Watt, Wermuth, Williams, Wilson and Mr. Speaker—41.

NAYS—None.

Absent—Messrs. Davies, Fisk, Howe, Kennedy, Lyons, of Storey, Lyon, of White Pine, Powell and Price.

#### REPORT OF COMMITTEE ON ENROLLMENT.

*Mr. Speaker:*

Your Committee on Enrollment have carefully compared Assembly Bill No. 117—An Act to authorize D. D. Kingsbury and James M. McDonald to establish and maintain a Toll Road.

Also, Assembly Bill No. 89—An Act relating to the flow of water in the Truckee River, and have found the same correctly enrolled, and have, this sixth day of March, 1879, handed the same to the Governor for his approval.

Also, Assembly Joint Resolution No. 27, relative to mail route between the towns of Elko and Tuscarora, and have found the same correctly enrolled, and have this sixth day of March, 1879, handed the same to the Secretary of State.

DANIEL LYONS, Chairman.

Mr. Allen (of Lincoln) moved to take Senate Bill No. 38 from the table.

Agreed to.

Senate Bill No. 38—An Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, and repeal all other Acts in relation thereto, approved March 8, 1869, having already received a third reading, was placed upon its final passage and passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Flannery, Foulks, Fraser, Fulton, Gibson, Green, Hanna, Harlow, Howe-Irvine, Lane, Lyons, of Storey, Mayhugh, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith, of Storey, Smyth of Lander, Taylor, Underwood, Wermuth, Williams, Wilson, and Mr. Speaker—34.

NAYS—Messrs. Beard, Crawford, Eldred, Ferguson, Kennedy, Lamb, Lawson, Smith, of Eureka, Smith, of Lyon, Vansickle, Watt—11.

Absent—Messrs. Davies, Fisk, Hagar, and Lyon, of White Pine.

MESSAGE FROM THE GOVERNOR.

STATE OF NEVADA, EXECUTIVE DEPARTMENT,  
CARSON CITY, March 6, 1879. }

*To the Honorable the Assembly:*

I have this day approved and deposited in the office of the Secretary of State, Assembly Bills as follows:

Assembly Bill No. 71—An Act to provide a supply of water for the Capitol and the State Orphans' Home.

Assembly Bill No. 72—An Act for the relief of L. Morris & Co., S. C. Wright, John P. Meader, and the Western Union Telegraph Company.

Assembly Bill No. 95—An Act to encourage the sinking of Artesian Wells.

Assembly Bill No. 116—An Act for the relief of Mrs. A. Whitford.

Assembly Bill No. 132—An Act regulating the powers and duties of the Board of County Commissioners of the several counties within this State in certain cases.

Assembly Bill No. 136—An Act to prohibit the unauthorized use of horses, mules, or work cattle.

Assembly Bill No. 142—An Act to prohibit the employment of Chinese and Mongolians in certain cases.

JOHN H. KINKEAD,  
Governor.

SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEVADA, March 6, 1879. }

*To the Honorable the Assembly:*

I have the honor to return to your Honorable Body Assembly Bill No. 140, entitled "Act for the collection of debts of the sum of twenty-five dollars and under," which was lost in the Senate this day: Yeas, 9; nays, 12.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

Mr. Allen (of Storey) moved to suspend the rules, and place Senate Bill No. 98 on its third reading and final passage.

Motion lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Flannery, Fulton, Ferguson, Gibson, Hagar, Howe, Lane, Lyon, of White Pine, Mayhugh, Paton, Plummer, Powell, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Wormuth, Williams, Wilson, and Mr. Speaker—28.

NAYS—Messrs. Beard, Eldred, Foulks, Fraser, Green, Hanna, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Morrison, Price, Shakespeare, Smith, of Lyon, Underwood, Vansickle—18.

Absent—Messrs. Davies, Fisk and Harlow.

Mr. Vansickle moved to indefinitely postpone Senate Bill No. 98.

Motion lost by the following vote:

YEAS—Messrs. Beard, Eldred, Foulks, Fraser, Green, Hanna, Irvine, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Morrison, Price, Shakespeare, Smith, of Lyon, Underwood, Vansickle—18.

NAYS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Flannery, Fulton, Ferguson, Gibson, Hagar, Howe, Lane, Lyon, of White Pine, Mayhugh, Paton, Plummer, Powell, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Wormuth, Williams, Wilson, and Mr. Speaker—18.

Absent—Messrs. Davies, Fisk and Harlow.

Mr. Lyon (of Storey) moved, at 10:30 p. m., that the House take a recess until 11 p. m.

Agreed to.

## HOUSE IN SESSION.

At eleven o'clock p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

By Mr. Gibson:

*Resolved*, That the thanks of this Assembly are hereby given to Speaker Gaston for the able, dignified and impartial manner in which he has presided over its deliberations; and to the other officers and attachees for the satisfactory manner in which they have fulfilled the duties assigned to them.

Adopted.

By Mr. Robinson:

*Resolved*, That the thanks of the House be, and are hereby tendered, to Hon. U. E. Allen, the Speaker *pro tem.*, for the able and courteous manner in which he has discharged his duties in such capacity.

Adopted.

By Mr. Smith (of Storey):

*Resolved*, That the State Controller be, and he is hereby instructed, to draw his warrant in favor of Edward McFaddin for the sum of fifteen dollars, for services rendered the Chief Clerk of the Assembly and his assistant; and that the State Treasurer pay the same out of the Legislative Fund.

Adopted.

By Mr. Smith (of Storey):

*Resolved*, That a vote of thanks be extended by this House to the reporters of the Virginia Enterprise, the San Francisco Alta, the Gold Hill News, and the Carson Tribune, for their correct and impartial reports of the proceedings of the Legislature during this session.

Adopted.

By Mr. Lyons (of Storey):

*Resolved*, That the State Controller is hereby authorized to draw his warrant in favor of Daniel Lyons, Chairman of the Committee on Enrolling, for the sum of two hundred and twenty dollars, to pay clerks for extra enrolling, payable out of the Legislative Fund.

Adopted.

By Mr. Harlow:

*Resolved*, That the thanks of this House are tendered to the Carson Appeal for its truthful report of the proceedings of this body during its present session.

Adopted.

By Mr. Robinson:

*Resolved*, That the thanks of this House are hereby tendered to the Chief Clerk, Assistant, and other clerks, for the efficient and able manner in which they have discharged their duties.

Adopted.

Mr. Williams moved to take up Senate Bill No. 170.

Agreed to.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to regulate the salaries of County Auditors.

The bill having already received a third reading, was passed by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Beard, Crawford, Eldred, Flannery, Foulks, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Melarkey, Morrison, Paton, Plummer, Powell, Price, Prisk,

Robinson, Shakespeare, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth of Lander, Taylor, Underwood, Watt, Wermuth, Williams, Wilson, and Mr. Speaker—43.

NAYS—Messrs. Lyons, of Storey, and Vansickle—2.

Absent—Messrs. Davies, Fisk, Lyon, of White Pine, and Mayhugh.

SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, NEV., March 6, 1879. }

*To the Honorable the Assembly:*

I have the honor to inform your Honorable Body that Assembly Amendments to Senate Bill No. 57 were concurred in by the Senate this day: Yeas, 19; nays, 2.

Also, concur in Assembly Amendments to Senate Bill No. 150: Yeas, 19; nays, 0.

THEO. S. DAVENPORT,  
Assistant Secretary Senate.

Mr. Allen (of Storey) moved a suspension of the rules, and that Senate Bill No. 98 be placed on its third reading and final passage.

Messrs. Morrison, Eldred and Shakespeare, called for the yeas and nays.

Roll called, and motion lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Fulton, Ferguson, Gibson, Hagar, Harlow, Howe, Irvine, Lane, Lyon, of White Pine, Paton, Plummer, Prisk, Robinson, Sharp, Smith, of Eureka, Smith, of Lyon, Smith, of Storey, Smyth, of Lander, Taylor, Watt, Wermuth, Wilson and Mr. Speaker—27.

NAYS—Messrs. Beard, Eldred, Flannery, Foulks, Fraser, Green, Hanna, Kennedy, Lamb, Lawson, Lyons, of Storey, Melarkey, Morrison, Powell, Price, Shakespeare, Underwood and Vansickle—18.

Absent—Messrs. Davies, Fisk, Mayhugh and Williams.

SENATE MESSAGE.

SENATE CHAMBER,  
CARSON CITY, March 6, 1879. }

*To the Honorable the Assembly:*

I have the honor to inform your Honorable Body that the Senate have this day refused to concur in Assembly Amendment to Senate Bill No. 38.

THEO. S. DAVENPORT,  
Assistant Secretary of Senate.

By Mr. Lyons (of Storey):

*Resolved*, That the thanks of this Assembly be tendered to the Virginia Evening Chronicle, Eureka Leader and Carson Appeal, for their fearless defense of the people's rights.

Mr. Allen (of Storey) moved to strike out the Virginia Evening Chronicle.

Roll called, and motion to strike out lost by the following vote:

YEAS—Messrs. Allen, of Lincoln, Allen, of Storey, Andrews, Crawford, Eldred, Paton, Sharp, Underwood, Wermuth and Wilson—10.

NAYS—Messrs. Beard, Flannery, Fraser, Fulton, Ferguson, Gibson, Green, Hagar, Hanna, Harlow, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Lyons, of Storey, Lyon, of White Pine, Melarkey, Morrison, Plummer, Price, Prisk, Robinson, Shakespeare, Smith, of Eureka, Smith, of Lyon, Smyth, of Lander, Taylor, Vansickle, Williams and Mr. Speaker—32.

Absent—Messrs. Davies, Fisk, Foulks, Mayhugh, Powell, Smith, of Storey, and Watt.

Mr. Allen, of Storey, moved to lay the resolution on the table.

Motion lost.

The resolution was then adopted without amendment.

By Mr. Robinson:

*Resolved*, That the Chaplains, Rev. Messrs. Hammond, Wier, McClain and Davis, have the thanks of this House for their promptness, kindness and brevity as Chaplains of the Assembly.

Adopted.

By Mr. Robinson:

*Resolved*, That the members of the House, appreciating the many courtesies extended by the citizens of Carson to them, do now hereby return a vote of thanks.

Adopted.

By Mr. Robinson:

*Resolved*, That a Committee of three be appointed to wait on his Excellency the Governor and inform him that the Assembly will adjourn *sine die* at twelve o'clock, and ask his Excellency if he has any further communication to make to the House.

Adopted, and Mr. Speaker appointed Messrs. Robinson, Allen (of Lincoln) and Lyons (of Storey) as such Committee.

In time the Committee returned and reported that they had waited upon his Excellency the Governor, and that he had informed them that he had no further communications to make.

Report adopted, and Committee discharged.

By Mr. Eldred:

*Resolved*, That a vote of thanks be tendered to the Sergeant-at-arms and his able assistant, for their careful attention to the wants of the members of this body during the ninth session of this Legislature.

Adopted.

Mr. Speaker Gaston then addressed the Assembly as follows:

*Gentlemen of the Assembly:*

Two months ago your kindness and partiality placed me in the position of Speaker of your Honorable Body. In accepting the honor which you conferred on me, I asked you in advance to exercise charity toward my failings, and to bear with kindness any rulings which my judgment and conception of parliamentary rules might compel me to make against you. The favor which I then asked you have most generously accorded me; and you have appealed from my rulings successfully in one instance only, and that was in a case where I desired you to appeal, because I felt constrained by a resolution which you had adopted to rule contrary to my judgment and wishes, and against my sense of right and of my duty to the people.

I can well and truly say, that no man was ever called on to preside over a body of gentlemen who, as a body, manifested a firmer desire to comply with all the rules which control the actions of deliberative bodies than it has been my proud privilege to do. I have no doubt that my judgment may often have been at fault, and I desire to return to you my grateful and my heart-felt thanks for your forbearance and your charity. I feel under special obligation to the Chief Clerk, Mr. Woodworth, for the aid he has rendered me while in this position; and I also desire to thank those gentlemanly reporters for the press who, having been favored with desks in the Assembly Chamber, have generously failed to parade all my faults and mistakes, real and imaginary, before the world, through the columns of the papers which they represent. It is human to err, and I am aware of having committed many errors; but the charity of all who have occupied seats on this floor has thrown a mantle over those faults, for which I thank you all.

The hour named in the Constitution of the State for our dissolution, and necessarily for our separation, is now at hand; but before I declare this Assembly adjourned for the session, I desire to assure you that my association with you during the past two months will be most kindly and gratefully remembered by me; and that each of you, and also each of the attachees of your Honorable Body will be most kindly remembered and fondly cherished so long as the Great Law Maker, whose rules control the universe, may see fit to continue the session of my life.

And now, in obedience to the mandate of the Constitution of the State, whose servants we all are, I declare the Ninth Session of the Assembly of the State of Nevada to be adjourned *sine die*; and may peace, happiness and prosperity be with you.

The Assembly is now adjourned without day.

Approved:

H. A. GASTON,  
Speaker of Assembly.

Attest: J. M. WOODWORTH,  
Chief Clerk of the Assembly.

# INDEX.

ABBREVIATIONS.—S. B., Senate Bill; A. B., Assembly Bill; S. C. R., Senate Concurrent Resolution; A. C. R., Assembly Concurrent Resolution; S. J. R., Senate Joint Resolution; A. J. R., Assembly Joint Resolution.

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