

ANNUAL REPORT

OF THE

ATTORNEY-GENERAL

FOR THE YEAR 1887.

1-E

## REPORT.

OFFICE OF THE ATTORNEY-GENERAL,  
CARSON CITY, NEVADA, January 1, 1888.

To His Excellency,

C. C. STEVENSON,

GOVERNOR STATE OF NEVADA.

Sir: I have the honor herewith to submit for your consideration a report of the business transacted by this office for the year 1887, as required by law. There were no criminal cases pending in the Supreme Court at the time of my entering upon the duties of this office, nor has any reached an issue during the year in said Court. I was not referred to any unfinished business of any kind, from which it may be presumed that all previous matters had been disposed of.

The calendar of my office during the year 1887, shows the following business, all of which has been submitted and passed upon. The following cases have been argued, and submitted and decided by the Honorable Supreme Court during the year.

State of Nevada ex rel. Wells Drury, Relator (H. F. Bartine), vs. J. F. Hallock, State Controller, Respondent, (James D. Torreyson and Attorney-General).

This was an application for writ of mandamus to compel the State Controller to audit for payment the claim of Relator, as a member of the Legislature, according to the rate fixed before the Act of March 12, 1885, on the ground that said Act was unconstitutional and void. Mr. James Torreyson represented the Controller, the Attorney-General being a party in interest. Writ granted. Decision February 1, 1887.

State of Nevada ex rel. S. H. Wright, Relator (T. Coffin) vs. W. C. Dovey, Superintendent of Public Instruction, Respondent (Attorney-General).

This was an application for mandamus to compel Superintendent of Public Instruction to apportion school moneys to Ormsby county

upon a census including children at Orphans' Home. Writ denied. Decision February 5, 1887.

State of Nevada ex rel. C. C. Stevenson et als. State Board of Education, Relators (Attorney-General) vs. Geo. Tuflly, State Treasurer, etc., Respondent (W. M. Stewart).

This brought up the question of validity of a certain alleged Constitutional Amendment regulating the manner of investing school moneys. I advised the Treasurer to refuse compliance with an order of the Board because said amendment had not been properly journalized, and drew the affidavit and petition as matter of form to test the question more speedily. In Court I stated that I could not argue for the validity of the amendment and submitted. Writ refused. Decision February 3, 1887.

State of Nevada ex rel. M. O'Mera et als., Relator (W. E. F. Deal) vs. John Ross, County Auditor Storey, co-Respondent (Attorney-General).

This was an application for mandamus to compel payment of armory rent to militia company whose members had not taken oath as required by Statute of 1887. Writ refused. Decision September 10, 1887.

State of Nevada, Respondent (Attorney-General) vs. One-Armed Jim, Appellant (M. S. Bonnifield).

This appeal was taken in order to afford time to apply to Board of Pardons for commutation of death penalty. No appearance at time of hearing. Judgment affirmed. Decision October 15, 1887.

Ex-parte M. W. Rosenblatt, Lindsay and King for Applicant; Attorney-General and T. Coffin, contra.

Application for Habeas Corpus. This was in order to test Constitutionality of so-called Drummer Law, applicant being thereunder restrained of his liberty. Writ issued. Decision June 30, 1887.

State of Nevada ex rel. E. P. Wilkins, Relator (T. Coffin) vs. J. F. Hallock, State Controller, Respondent (Attorney-General).

This was an application for mandamus to compel Controller to draw warrant against a fund voted for current year in payment of reward earned before appropriation was made. Writ denied. Decision October 28, 1887.

State of Nevada ex rel. Patterson & Gregory, Relators (W. E. F. Deal and M. N. Stone) vs. D. D. Donovan, Sheriff, etc., Respondent (F. M. Huffaker, District Attorney, Attorney-General).

Application for mandamus to compel Sheriff to issue license for gaming on first floor. Writ denied. Decision November 22, 1887.

During the Legislative session, I believe that this office expended considerable labor to profit, by way of prevention to certain proposed legislation, and aided to some extent in lessening the subsequent labors of the Court. While so engaged, and since, there has been much time given for which no official record could be made, save as it has found expression in the acts of the consulting officers while following oral opinion or instruction given. There has, however, been a considerable correspondence conducted as shown by the office files upon matters of importance.

The fish laws, and placing of deleterious substances in the waters of this State led to the appointment of a Joint Committee from the Legislatures of California and this State, before which body the legal status of the matter was discussed and agreed upon.

Opinions were rendered to the Judiciary Committees of both Senate and Assembly frequently, as requested upon the following subjects: Jurisdiction of Justices Courts, fees of county and township officers, official bonds, assessments, school lands, allowances (extra) to Legislative attaches, lands, school districts, allowance of deficiencies, appropriations, Statute of Limitations, county boundaries, allowance to Auditors, Assessors and Treasurers, general assessment law, State tax, legal publications required under revenue law, assessment of mines, organization of Agricultural Associations, State and County, extra help to county officers under certain circumstances, election School Trustees, preparing laws and amendments, compiling school and militia laws, militia, and other matters collateral to above subjects.

This brought the Attorney-General's office in direct communication with all of the State Officers, every Assessor and District Attorney in the State, County School Superintendents and teachers, officers of Senate and Assembly, militia officers, School Trustees, etc., besides individual inquirers as to Indian War Claims, and matters of general concern to those interested in the State.

There has been but one law passed at the last session which has been attacked, so far as I am informed, and that (the so-called Militia Law) withstood the test.

I found this office, so to speak, cut off from similar departments in other parts of the Union. This has been remedied by opening correspondence with, and securing reports from every State in the Union in which reports are required of the Attorney-General. These reports are of value for reference and as matter of suggestion and instruction.

The question of management of the Nevada State Prison was brought up, and the matter passed upon by this office after discussion, and at the request of the Joint Legislative Committee, I prepared their report, which, in effect, placed the management of the institution where it belonged, viz: in the Constitutional Board of Commissioners. I believe that the subsequent history of the Prison will prove the wisdom of that course.

It was also proposed to follow the invention of a previous year and allow the Legislature to elect a Regent of the State University. I addressed a communication to your Excellency, which brought about a public discussion by members of the bench and bar, and resulted in putting that institution in the care of the Constitutional Board of Regents, there to remain, pending a proper election as directed and commanded.

I have found no recommendations of record made by this office concerning needed legislation, nor do I know that any have been made. I shall take occasion to express my idea thereon, as commanded by the law, in the next annual report, for reference to the

Legislature, especially upon the subjects, to-wit: The fee system, State rate of taxation, duties of Assessors, certain features of Civil Practice Act, criminal procedure, official reporter, cataloguing of Library, and duties of Librarian, manner of presentation and allowance of bills, and certain discretionary powers to be vested in State Boards by the Legislature, *ad interim*, and as to codification of laws.

I have requested from the Warden of the State Prison an abstract of all accounts against individuals, and shall proceed to close said accounts, by and with the advice of the Board of Prison Commissioners.

I have advised the assessment of granted lands, in accordance with law of Congress, of July, 1886, and also the taxation of the lands under application, to the extent of purchasers' interest. I shall immediately call the attention of Assessors and Commissioners to the amended Revenue Act (1887), which makes the lien for taxes attach when the levy is made, which may be at any time not later than the first Monday in March.

I have also prepared a list of inquiry touching the material interests of the State, which has been called to your attention and will be further referred to. About 3,000 copies have been mailed to every portion of the State, and I have addressed 500 letters (personal) to those best informed upon those subjects. The response has been quite satisfactory so far, and I hope to have a fund of valuable information prepared for the coming Legislature.

The attempts of the Board of Commissioners for the Care of the insane, to secure water for use at the Asylum has resulted in the suit of Reno Reduction Works, a corporation, Plaintiff, (Wm. M. Boardman and R. S. Mesick) vs. C. C. Stevenson, J. F. Hallock et als., Defendants, (R. H. Lindsay and T. H. Wells and Attorney-General.)

A suit for injunction and damages. The case involves the right of the State to appropriate waters from the Truckee river. It was tried at Reno December 16th to 23rd inclusive, before Judge Bigelow. No decision has yet been rendered.

I am confident that in my next annual report I can render this office of some increased value to the State and allow it to show its own record for usefulness. Respectfully submitted,

JOHN F. ALEXANDER,  
Attorney-General.