

STATE OF NEVADA

BIENNIAL REPORT

OF THE

ATTORNEY-GENERAL

1909=1910

R. C. STODDARD, Attorney-General



CARSON CITY, NEVADA

STATE PRINTING OFFICE : : : JOE FARNSWORTH, SUPERINTENDENT

1911

STATE OF NEVADA

BIENNIAL REPORT

OF THE

ATTORNEY-GENERAL



R. C. STODDARD, Attorney-General



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1914

LETTER OF TRANSMITTAL

STATE OF NEVADA,
OFFICE OF THE ATTORNEY-GENERAL,
CARSON CITY, December 31, 1910.

His Excellency, TASKER L. ODDIE, Governor of Nevada.

SIR: Pursuant to law, I herewith submit my report as Attorney-General of Nevada for the years 1909 and 1910.

Very respectfully,

R. C. STODDARD,
Attorney-General.

ATTORNEYS-GENERAL OF NEVADA

G. A. NOURSE	1865-1866
R. M. CLARKE	1867-1870
L. A. BUCKNER	1871-1874
JOHN R. KITTRELL	1875-1878
M. A. MURPHY	1879-1882
W. H. DAVENPORT	1883-1886
J. F. ALEXANDER	1887-1890
J. D. TORREYSON	1891-1894
R. M. BEATTY ¹	1895-1896
J. R. JUDGE ²	1896-1898
W. D. JONES ³	1899-1901
WILLIAM WOODBURN	1901-1902
J. G. SWEENEY	1903-1906
R. C. STODDARD	1907-1910
CLEVELAND H. BAKER	1911-1914

¹Died December 10, 1896.

²J. R. Judge appointed to fill unexpired term, December 24, 1896.

³Resigned January 15, 1901, and William Woodburn appointed on the same day to fill the unexpired term.

MEMBERS OF THE NEVADA BAR

Following are the names of all attorneys admitted to practice in the Supreme Court of the State of Nevada, with the dates of their admission:

Aude, F. L.	Dec. 23, 1862	Boalt, John H.	Feb. 17, 1873
Anderson, N. D.	May 6, 1871	Berry, Geo. G.	Apr. 16, 1873
Allen, Lemuel	Jan. 16, 1873	Barker, J. B.	Apr. 5, 1875
Ammond, Geo. R.	Apr. 2, 1877	Beatty, R. M.	July 19, 1871
Ashley, Delos R.	Apr. 29, 1864	Branson, Louis	Sept. 1, 1875
Alexander, John F.	Apr. 4, 1881	Brown, Harvey S.	Sept. 4, 1876
Armstrong, Chas. B.	July 9, 1881	Brown, John K.	Jan. 3, 1877
Allen, David	Sept. 8, 1881	Brandt, I. B. L.	Feb. 6, 1877
Allen, W. W.	July 5, 1887	Boyden, Jas. W.	Jan. 11, 1879
Ayer, John L.	Jan. 6, 1891	Bowler, P. M., Jr.	Apr. 19, 1880
Allen, Richard N.	Jan. 29, 1869	Bartine, Horace F.	July 10, 1880
Arnot, Nathaniel D.	Jan. 23, 1899	Belknap, Clayton	Jan. 4, 1881
Averill, Mark P.	Oct. 14, 1899	Barry, Charles R.	Jan. 17, 1881
Ayres, Albert D.	Apr. 2, 1900	Boller, J. F.	May 8, 1882
Arnold, Henry N.	Mar. 6, 1905	Ballard, John W.	July 8, 1882
Atkinson, Harry H.	Sept. 19, 1906	Beatty, Wm. H.	Apr. 7, 1884
Aitkin, Traven B.	Mar. 18, 1907	Breen, Peter	June 2, 1884
Andree, Herman J.	Apr. 2, 1907	Burns, Wm. H.	Dec. 13, 1884
Aikens, Bronte M.	June 10, 1907	Brown, LeRoy D.	Apr. 6, 1889
Andrews, Lorrin.	May 1, 1908	Belcher, W. C.	Sept. 2, 1889
Alling, Horatio.	Nov. 18, 1908	Bonmifield, S. J., Jr.	Sept. 20, 1879
Baldwin, Joseph G.	June 2, 1862	Bennett, L. B.	Mar. 16, 1883
Baldwin, A. W.	June 2, 1862	Bieknell, Chas. F.	Apr. 1, 1891
Beverage, Francis	Dec. 17, 1862	Benson, Patrick F.	Apr. 4, 1893
Bixler, David	Jan. 20, 1864	Bartlett, Geo. A.	July 15, 1893
Brounson, W. P.	Jan. 21, 1864	Baggett, W. T.	Apr. 10, 1897
Bailey, D. E.	July 12, 1865	Brown, Geo. S.	June 12, 1897
Bulkley, L. E.	Feb. 18, 1867	Boyd, Jas. T.	Apr. 25, 1900
Bowman, John	Apr. 13, 1867	Brockliss, Frank E.	Mar. 7, 1902
Browne, Thos. N.	Apr. 15, 1867	Boynton, Chas. C.	Apr. 21, 1902
Bishop, Wm. W.	Oct. 14, 1867	Baker, Harry Lyle.	Nov. 15, 1902
Brearley, E. C.	Sept. 18, 1868	Butler, John L.	Nov. 20, 1902
Bonmifield, M. S.	Feb. 8, 1869	Brown, Hugh H.	Aug. 8, 1903
Briggs, N. C.	Apr. 8, 1869	Boyd, C. T.	Sept. 5, 1903
Buckner, Luther A.	Jan. 9, 1871	Beals, M. S.	Nov. 22, 1904
Boardman, Wm. M.	May 18, 1871	Brand, Arthur	Jan. 18, 1905
Boring, Wm.	June 3, 1871	Byers, N. O.	Jan. 14, 1905
Bonmifield, W. S.	June 17, 1871	Budd, Jas. H.	Mar. 25, 1905
Belknap, C. H.	July 8, 1871	Burton, F. L.	May 1, 1905
Beene, Horace D.	Mar. 22, 1872	Bevis, E. R.	May 1, 1905
Bigelow, R. R.	Sept. 4, 1872	Barrett, John J.	Aug. 30, 1905
Bennett, Paul W.	Sept. 13, 1872	Berry, Fred L.	Sept. 25, 1905
Baker, George W.	Nov. 11, 1872	Belden, Geo. M.	Oct. 14, 1905
Blair, A. W.	Jan. 14, 1873	Burd, Albert M.	Dec. 18, 1905
		Baldwin, O. W.	Feb. 26, 1906

ROLL OF ATTORNEYS

Boreman, Gilbert F.....	Apr. 2, 1906	Chase, Edward R.	July 6, 1875
Byington, Lewis F.	May 6, 1906	Churchman, Ney.....	Aug. 11, 1875
Busteed, Richard	May 22, 1906	Cronin, John.....	Apr. 4, 1876
Brandon, Thos. A.	Sept. 1, 1906	Crocker, A. W.....	Nov. 25, 1872
Baker, Cleveland H.....	Dec. 3, 1906	Campbell, Thompson....	Jan. 3, 1877
Barry, N. J.	Jan. 3, 1907	Clement, Henry A.....	Apr. 22, 1878
Bartch, Geo. W.	Jan. 7, 1907	Clough, Frank M.	Nov. 19, 1878
Bryant, W. H.	Jan. 22, 1907	Campbell, Alex	Jan. 7, 1879
Buel, Hillhouse	Jan. 24, 1907	Cradlebaugh, J. H.....	Jan. 10, 1880
Burkert, C. O.	Jan. 31, 1907	Campbell, Fremont	Apr. 19, 1880
Burris, John F.	Feb. 19, 1907	Cheney, Azro E.	July 6, 1880
Bonestell, C. K.	Mar. 11, 1907	Curler, Benj. F.	July 11, 1891
Burdick, J. E.	Mar. 18, 1907	Clarke, R. M.	Oct. 27, 1891
Breeze, John M.	Mar. 18, 1907	Chartz, Alfred	Oct. 6, 1894
Bard, W. H.	Apr. 2, 1907	Carpenter, R. B.	Sept. 16, 1897
Baker, Samuel H.....	Apr. 15, 1907	Copeland, Edw. E.	July 5, 1898
Byrns, Robt. J.	May 25, 1907	Cooke, Herman R.	May 13, 1899
Burrett, Chas. H.	June 21, 1907	Cahill, E. J.	Oct. 14, 1899
Bonnifield, W. S., Jr....	July 1, 1907	Coogan, T. C.	Apr. 4, 1901
Brooks, Luke B.....	July 29, 1907	Cottrell, G. W. S.....	Aug. 26, 1901
Brede, Herman F.....	Feb. 29, 1908	Cutting, Henry C.....	Jan. 21, 1902
Bagley, E. M.	July 27, 1908	Cohn, Felice	June 17, 1902
Benedict, D. S.	Sept. 8, 1908	Craig, William B.....	Mar. 19, 1903
Bainbridge, C. R.	Sept. 18, 1908	Chandler, Albert E.	July 25, 1904
Burton, Clarence F.....	Oct. 5, 1908	Cantwell, Chas. A.	Nov. 22, 1904
Breeland, A. G.	Feb. 5, 1909	Clark, Fabius A.	Nov. 28, 1904
Belford, Samuel	Mar. 24, 1909	Chandler, Chas. S.	Feb. 13, 1905
Benham, Geo. B.	Apr. 5, 1909	Campbell, Jos. C.....	Mar. 25, 1905
Brown, A. F.	July 9, 1909	Cole, J. C.	Oct. 2, 1905
Badt, M. B.....	Aug. 20, 1909	Chute, Elmer J.	Oct. 2, 1905
Brown, E. L.	Mar. 1, 1910	Carney, Patrick F.	Mar. 5, 1906
Billingshurst, B. D.....	Sept. 14, 1910	Clay, C. F.	Dec. 3, 1906
Brandon, W. L.	Nov. 30, 1910	Cooper, Oscar	Jan. 9, 1907
		Carpenter, Samuel	Feb. 18, 1907
		Cole, Walter D.	Feb. 18, 1907
		Carey, Joseph	Feb. 18, 1907
Clayton, H. P.	June 2, 1862	Campbell, Louis G.	Mar. 18, 1907
Cossit, H. B.	Dec. 23, 1862	Coleman, Benj. W.....	Mar. 28, 1907
Crittenden, A. P.	Nov. 21, 1863	Cochran, M. J.	Apr. 2, 1907
Campbell, Will	Aug. 20, 1863	Carter, Chas. B.	May 25, 1907
Carmichael, John	Dec. 23, 1862	Crump, Samuel D.	July 16, 1907
Churchill, Clark	Jan. 5, 1865	Coppernoll, W. D.	Aug. 8, 1907
Clemens, Orion	Mar. 14, 1865	Clark, Chas. A.	Sept. 3, 1907
Caldwell, E. S.	Oct. 3, 1865	Callahan, Jas. A.	Oct. 7, 1907
Clagett, W. H.	Jan. 2, 1866	Cohn, Charles	Oct. 28, 1907
Clarke, Chas. D.	Jan. 6, 1866	Cramer, Robley D.....	Dec. 30, 1907
Crittenden, Jas. L.....	Apr. 7, 1866	Colby, Wm. E.	Jan. 10, 1908
Collins, John A.	Dec. 13, 1866	Cann, Eli	Feb. 15, 1908
Cole, F. W.	Jan. 14, 1867	Clark, John F.	Mar. 20, 1908
Cooke, H.	Feb. 4, 1867	Chickering, W. H.	May 29, 1908
Cain, Wm.....	Jan. 6, 1862	Campbell, Jesse E.	July 30, 1908
Coats, J. M.	July 1, 1872	Caine, Edwin E.	Sept. 18, 1908
Cowdery, J. F.	Jan. 14, 1873	Chandler, P. M.	May 1, 1909
Canfield, R. B.	Mar. 5, 1873	Chambers, John K.....	Sept. 18, 1909
Carson, Jas. G.	July 7, 1873	Carne, John E.	Nov. 30, 1909
Creswell, E. F.....	July 7, 1874	Church, Frank M.....	Apr. 21, 1910
Coffin, Trenmor.....	Oct. 7, 1874	Craney, Hugh	Oct. 12, 1910
Curler, Benj.	Dec. 1, 1874	Cheney, E. W.....	Nov. 17, 1910
Cowie, Lewis T.....	Mar. 1, 1875		

ROLL OF ATTORNEYS

DeLong, Chas. E.	Aug. 20, 1863	Elliott, Albert D.	Nov. 12, 1904
Denson, Sam C.	Apr. 25, 1864	Edmonds, E. E.	Jan. 21, 1905
Deal, W. E. F.	Mar. 14, 1865	Erdman, Otto A.	Feb. 26, 1906
Davies, T. W. W.	Jan. 6, 1868	Eddy, Clarence A.	June 28, 1906
Darrow, John O.	June 1, 1871	Ernest, D. E.	Jan. 7, 1907
Drake, Frank V.	Mar. 7, 1873	Edwards, E. C.	June 17, 1907
Dickson, W. H.	July 8, 1874	Evans, Everett H.	July 16, 1907
Dow, Jas. C.	Mar. 3, 1875	Erb, Wm. M.	Mar. 20, 1908
Douglas, Geo. A.	June 4, 1875	Eddy, Thomas V.	Nov. 19, 1908
Darne, S. E.	July 5, 1875	Ellis, Pearis B.	Aug. 11, 1909
Duff, James R.	Jan. 3, 1877		
Davis, B. K.	Jan. 16, 1877	Foster, J. C.	June 2, 1862
Driesbach, M. A.	July 30, 1877	Fitch, Thomas	Aug. 20, 1863
Dorsey, J. W.	July 30, 1877	Ferguson, P. D.	Aug. 22, 1864
Davis, W. R.	Jan. 4, 1886	Flack, J. H.	Oct. 11, 1865
Dennis, James F.	Apr. 2, 1888	Fuller, Mortimer	Mar. 12, 1875
DeLigne, A. A.	May 23, 1892	Fisk, Arthur W.	Oct. 25, 1875
Densmore, F. E.	Feb. 12, 1894	Foote, R. E.	Sept. 4, 1876
Dodge, Edmund R.	July 28, 1894	French, W. L.	Apr. 24, 1877
Dillon, Henry Clay	May 17, 1895	Fitzgerald, A. L.	Sept. 14, 1878
Devlin, Robert T.	Nov. 2, 1897	Ford, Thomas S.	Nov. 16, 1878
DuPuis, Edmund T.	Nov. 16, 1898	Flanningham, J. P.	May 19, 1882
DeLaMatyr, T. E.	July 29, 1899	Foulds, J. E.	Apr. 6, 1885
Ducker, Edw. A.	Jan. 20, 1902	Farrington, E. S.	Dec. 16, 1886
Dann, F. P.	Apr. 4, 1904	Fay, J. P.	July 2, 1888
Detch, Milton M.	Oct. 15, 1904	Farrall, Chas. H.	Dec. 16, 1895
Douglas, J. F.	Feb. 13, 1905	Foulks, George H.	Aug. 17, 1896
Downing, W. M.	July 20, 1905	Fitzgerald, R. Y.	Apr. 24, 1899
Downer, Sylvester S.	Aug. 9, 1905	Fredrick, Marcus	July 29, 1899
Devecmore, G. W.	Sept. 25, 1905	Forbes, P. W.	May 19, 1900
Davis, Lee J.	Oct. 4, 1905	Ford, Marshall E.	Mar. 10, 1902
Darlington, Abe	Mar. 28, 1906	Frisbie, R. D.	Aug. 10, 1903
Del Bondio, Chas.	June 4, 1906	Fox, Geo. W.	Nov. 27, 1903
Daly, James H.	June 7, 1906	Foreman, Wm.	June 27, 1905
Denny, James M.	Oct. 8, 1906	Ford, W. F.	Sept. 7, 1905
Dixon, Jonathan B.	Nov. 12, 1906	French, LeRoy	Sept. 25, 1905
Deane, J. W.	Dec. 3, 1906	Finch, Jas. D.	Oct. 2, 1905
Duffy, D. M.	Jan. 22, 1907	Farnam, Henry M.	Oct. 1, 1906
Donovan, James	Feb. 11, 1907	French, Leon L. L.	Apr. 22, 1907
Dorman, Jess	Apr. 29, 1907	Fletcher, Geo. B.	Apr. 23, 1907
Dam, Cleveland L.	May 25, 1907	Foley, F. L.	June 10, 1907
Danforth, H. D.	July 15, 1907	Flanagan, T. E.	July 1, 1907
Devlin, Frank P.	Oct. 7, 1907	Frohman, Isaac.	Oct. 23, 1907
Dockweiler, I. B.	Dec. 16, 1907	Fenton, Jas. E.	Apr. 27, 1908
Diskin, M. A.	Jan. 23, 1909	Fogg, W. F. P.	May 29, 1908
Dines, O. L.	May 1, 1909	Fuller, H. B.	Feb. 15, 1909
Donovan, Jos. M.	May 31, 1909	Foster, H. M.	Apr. 5, 1909
Druck, Herman	Jan. 26, 1910	Fowler, Leonard B.	Aug. 11, 1909
Dysart, James.	Mar. 21, 1910	Pink, Albert.	Jan. 14, 1910
		Frame, James M.	Oct. 12, 1910
Ellis, Adrian C.	Aug. 17, 1863		
Edgerton, Henry	Aug. 17, 1863	Gilcrist, S. F.	June 2, 1862
Edwards, T. D.	Jan. 20, 1864	Gordon, G. W.	Dec. 23, 1862
Earll, Warner	Jan. 11, 1871	Gurnie, Clinton	Aug. 20, 1863
Evans, Pierce	Nov. 8, 1877	Gaston, H. A.	Apr. 30, 1864
Egan, James B.	July 28, 1894	Greeley, A. L.	Jan. 5, 1865
Elliott, L. L.	Dec. 23, 1894	Goff, Chas. P.	Apr. 4, 1866
Eisner, Milton S.	May 6, 1899		

Gough, W. T.	Mar. 18, 1867	Hatch, J. F.	Nov. 3, 1865
Gates, Wm. M.	Aug. 2, 1867	Hayden, C. S.	Jan. 6, 1866
Greeley, J. L.	June 15, 1871	Hawley, A. T.	Jan. 26, 1866
Grass, S. S.	June 1, 1872	Hubbard, Chas. G.	Mar. 3, 1866
Granger, W. N.	Aug. 12, 1872	Hundley, P. O.	Oct. 12, 1866
Goodwin, C. C.	Feb. 24, 1873	Hetzell, Selden.	May 1, 1866
Graham, J. H., Jr.	Mar. 1, 1875	Hillyer, E. W.	Sept. 16, 1867
Galloway, James	Sept. 18, 1876	Hamlin, Chas. J.	Oct. 5, 1869
Gray, John A.	Apr. 22, 1878	Hawley, Thos. P.	Jan. 9, 1871
Griffith, J. I.	Apr. 8, 1879	Haydon, Wm.	Apr. 4, 1871
Goldstone, Samuel	Jan. 5, 1880	Harding, Geo. P.	Apr. 4, 1871
Garber, Eugene R.	Jan. 5, 1880	Harris, J. H.	May 8, 1871
Goodall, Jas. E.	Feb. 4, 1884	Hillhouse, A. M.	June 21, 1871
Grey, O. H.	June 2, 1884	Harris, P. H.	Aug. 21, 1871
Gest, C. H.	Apr. 6, 1889	Healy, T. W.	Dec. 13, 1871
Goad, W. F.	July 1, 1889	Hardy, Wm. J.	May 20, 1872
Gooding, J. M.	Oct. 6, 1890	Hunt, A. B.	Jan. 15, 1873
Goodwin, J. D.	Jan. 2, 1894	Harmon, F. H.	Jan. 17, 1873
Green, Geo. S.	Jan. 4, 1897	Humes, T. J.	Oct. 6, 1873
Gayhart, W. C.	Nov. 2, 1897	Haskell, Wm. B.	Aug. 11, 1874
Grey, Gertrude G.	Apr. 4, 1898	Hanford, J. M.	Aug. 11, 1875
Gregory, T. T. C.	Sept. 27, 1901	Hoyt, Chas. A.	Sept. 4, 1875
Goodfellow, Wm. S.	May 22, 1902	Hiles, Osgen.	Apr. 3, 1876
Glidden, W. B.	Oct. 21, 1902	Huffaker, F. M.	Oct. 24, 1877
Griffon, John D.	Jan. 4, 1904	Hoyt, Allen V.	Oct. 27, 1877
Grimes, Wm. C.	May 23, 1904	Hereford, John B.	Nov. 10, 1877
Gedney, Frank S.	July 11, 1904	Hannah, Jas. A.	Feb. 20, 1882
Gear, George D.	Apr. 3, 1905	Hardin, C. H. E.	Jan. 13, 1883
Geary, Wm. P.	Apr. 24, 1905	Hart, W. H. H.	Feb. 19, 1885
Gillespie, Claude B.	Jan. 29, 1906	Hatfield, L. T.	July 7, 1890
Guinane, Jas. G.	Mar. 5, 1906	Harris, Artemus E.	Feb. 3, 1895
Gibbons, Louis A.	Apr. 2, 1906	Hoffman, Edw. E.	Sept. 7, 1895
Gibson, Wm. R.	Dec. 3, 1906	Henderson, Chas. B.	July 1, 1896
Gleason, Jesse W.	Jan. 3, 1907	Hood, Bert L.	May 12, 1900
Garoutte, C. H.	Jan. 22, 1907	Hummel, N. A.	Mar. 12, 1901
Guillford, H. S.	Apr. 1, 1907	Henley, Wm. J.	July 3, 1902
Guttery, Andrew	May 13, 1907	Howell, Eugene	Dec. 31, 1902
Glynn, James	May 25, 1907	Heley, Josephus G.	Jan. 16, 1903
Gill, Fredrick A.	Mar. 20, 1908	Hartson, D. H.	June 3, 1904
Gardiner, W. M.	Apr. 7, 1910	Huskey, H. W.	June 6, 1904
Givens, Jas. G.	June 28, 1910	Hankey, Fred A.	Nov. 12, 1904
Graves, M. O.	July 18, 1910	Horsey, Chas. L.	Feb. 13, 1905
Gott, Raymond A.	Nov. 17, 1910	Hill, James E.	May 17, 1905
Gilleece, C. M.	Dec. 12, 1910	Hayes, Chas. L.	June 27, 1905
		Hinckley, L. E. C.	Oct. 16, 1905
Hall, G. D.	June 2, 1862	Hatton, Wm. D.	Nov. 27, 1905
Haydon, Thos. E.	June 2, 1862	Hatton, Charles	Feb. 26, 1906
Hurlburt, S.	June 10, 1862	Hart, Fred B.	June 9, 1906
Hereford, A. P.	Dec. 17, 1862	Hanby, J. Walter	Sept. 19, 1906
Hardy, J. H.	Dec. 23, 1862	Hoggett, Volney T.	Jan. 7, 1907
Higgins, Albin	Dec. 23, 1862	Hasman, C. J.	Feb. 18, 1907
Howard, J. G.	Aug. 21, 1863	Hangs, Frank J.	Mar. 28, 1907
Hillyer, C. J.	Jan. 20, 1864	Hubbard, Robt. L.	May 13, 1907
Hill, C. A.	Jan. 21, 1864	Hilton, C. N.	May 25, 1907
Hereford, J. B.	Jan. 21, 1864	Harwood, C. L.	July 1, 1907
Hupp, George S.	Mar. 22, 1865	Haven, Thos. E.	July 10, 1907
Harris, Chas. N.	July 10, 1865	Howard, Henry H.	July 23, 1907
Hoover, Wm. L.	Aug. 31, 1865	Harris, Lamar A.	Dec. 16, 1907

ROLL OF ATTORNEYS

Heath, Fred W.	Apr. 26, 1908	Knight, E. D.	July 2, 1888
Higgins, E. V.	July 6, 1908	King, Sam D.	Apr. 7, 1890
Hall, Leicester C.	Sept. 24, 1908	King, Percival S.	May 9, 1892
Haight, A. L.	Sept. 28, 1908	Keboe, Dennis H.	Apr. 7, 1894
Henderson, A. S.	Oct. 1, 1908	Kelly, Chas. H.	Dec. 2, 1897
Henderson, H. H.	May 31, 1909	Knox, Charles L.	July 29, 1899
Hull, E. E.	Oct. 16, 1909	King, Frank D.	Mar. 12, 1901
Hart, Thos. C.	Mar. 16, 1910	Kleinsorge, W. E.	Feb. 4, 1902
Heer, A. A.	Mar. 28, 1910	Kennedy, John J.	Aug. 4, 1902
Harris, I. H.	May 16, 1910	Kinkaid, John	Feb. 18, 1907
Humphrey, W. F.	June 6, 1910	Keeler, P. E.	Mar. 11, 1907
Hoyt, Henry M.	Sept. 7, 1910	Kepner, Thos. E.	June 10, 1907
Hudson, L. L.	Sept. 14, 1910	Kunz, John F.	Aug. 8, 1907
Hardy, R. M.	Dec. 22, 1910	Kirk, Wm. R.	Aug. 21, 1907
Hawkins, P. A.	Dec. 30, 1910	King, Claudius L.	July 6, 1908
Ivins, Chas. H.	Jan. 2, 1888	Kennedy, J. L.	Sept. 11, 1908
Ingram, Henry	Feb. 3, 1910	Kavanaugh, L. J.	Mar. 19, 1909
Johnson, J. N.	June 2, 1862	Kennedy, G. G.	Mar. 16, 1910
Joachimson, H. L.	June 3, 1862	Kennedy, W. M.	Nov. 17, 1910
James, John	June 10, 1862	Lindsey, W. H.	June 2, 1862
Janin, Edward	Dec. 23, 1862	Larrowe, M. D.	June 3, 1862
Johnson, Wm. N.	Aug. 17, 1863	Lansing, C. J.	Aug. 17, 1863
James, W. H.	Nov. 6, 1863	Lewis, J. F.	Apr. 25, 1864
Jones, Frank	Jan. 20, 1864	Lee, W. G.	Jan. 5, 1865
Jones, W. T.	Apr. 1, 1867	Lyon, Geo. G.	Aug. 23, 1869
Julien, Thos. V.	May 7, 1872	Lucas, J. H.	May 4, 1871
Johnson, Roger	Jan. 17, 1878	Leonard, O. R.	May 19, 1871
Jameson, J. S.	July 1, 1878	Lowry, Hiram N.	Oct. 8, 1872
Judge, Jas. R.	Apr. 5, 1881	Laspeyre, Thomas	Apr. 14, 1874
Jones, Chas. A.	Oct. 4, 1886	Lowery, Robert E.	Nov. 21, 1874
Jones, Wm. D.	May 9, 1892	Love, Wm. C.	Aug. 11, 1875
Johnson, Georgia J.	July 30, 1898	Lindsay, R. H.	Jan. 25, 1875
Johns, R. L.	Apr. 5, 1902	Lewis, D. J.	Sept. 1, 1875
Jackson, K. M.	May 2, 1902	Lawrence, A. J.	July 1, 1878
Johnson, E. A. P.	Apr. 3, 1905	Lamb, J. T.	July 8, 1882
Jaques, Alfred	Oct. 14, 1905	Langan, F. P.	Jan. 13, 1887
Johnson, Wm. E.	Nov. 2, 1906	Laird, J. W. P.	Oct. 20, 1890
Jurich, Anthony	Jan. 22, 1907	Lothrop, John	July 1, 1891
Jones, Jas. B.	Jan. 31, 1907	Laurenson, Wm.	Feb. 25, 1896
Jackson, Geo. E.	Feb. 18, 1907	Langwith, Jos. A.	Oct. 5, 1896
Jenkins, D. T.	Sept. 5, 1907	Lake, F. B.	Oct. 3, 1898
Jones, Chas. D.	June 15, 1908	Lewers, Chas. R.	Nov. 12, 1898
Jordan, Wm. H.	Feb. 25, 1910	Leishman, David	Feb. 11, 1901
Kirkpatrick, M.	Jan. 21, 1864	Leonard, F., Jr.	July 5, 1902
Kennedy, F. H.	May 5, 1865	Long, Chas. W.	Jan. 2, 1905
Knox, Wales L.	July 11, 1865	Lindley, Curtis H.	Mar. 14, 1905
Keating, R. P.	Aug. 21, 1865	Lind, Henry B.	Mar. 14, 1905
Keyser, Phil. W.	Oct. 21, 1865	Lyon, Thos. T.	Oct. 16, 1905
Kennedy, W. C.	Jan. 4, 1869	Lewis, Paul G.	Oct. 29, 1906
Kittrell, John R.	May 4, 1871	Lightfoot, A. B.	Dec. 18, 1906
Keith, Geo. W.	July 3, 1872	Libby, C. H.	Oct. 7, 1907
Knight, Geo. A.	Jan. 6, 1873	Liechti, Arnold W.	Oct. 28, 1907
King, Cameron H.	Feb. 3, 1873	Lauey, Hiram S.	Feb. 3, 1908
Kingston, Geo. A.	July 2, 1877	Lillis, Henry M.	May 29, 1908
Keeney, Geo. D.	Apr. 23, 1878	Lockhart, Jas. M.	Apr. 15, 1908
		Lyman, Chester L.	Oct. 5, 1908
		Lunsford, E. F.	Dec. 1, 1909

ROLL OF ATTORNEYS

McConnell, J. R.	June 2, 1862	McDougal, D. C.	June 20, 1905
Musser, John J.	June 2, 1862	Moran, Thomas	June 26, 1905
Moyes, Richard	June 3, 1862	McDevitt, T. C.	July 31, 1905
McCentaire, R. G.	Dec. 23, 1862	Moore, Milton B.	Dec. 18, 1905
Murphy, W. G.	Aug. 20, 1863	McFadden, C. J.	Feb. 26, 1906
McReardon, Jas.	Aug. 21, 1863	McClellan, Clifford	Mar. 5, 1906
Morrison, Murray	Nov. 28, 1863	Moran, E. P.	Apr. 30, 1906
Morrison, Robt. F.	Nov. 28, 1863	Malone, Wm. H.	June 9, 1906
Mitchell, H. K.	Mar. 14, 1865	McCarthy, L. H.	July 2, 1906
McKinstry, E. W.	July 10, 1865	McClellan, T. E.	July 30, 1906
McQuaid, J. A.	July 25, 1865	McDowell, Samuel	Aug. 15, 1906
Mayenbaum, H.	Apr. 2, 1866	Morehouse, H. V.	Sept. 1, 1906
Mesick, R. S.	Feb. 2, 1867	Mitchell, Thos. L.	Oct. 1, 1906
Meagher, Jas. D.	May 27, 1867	Morris, J. H.	Jan. 3, 1907
McKeeby, L. C.	July 24, 1868	Mee, J. Hubert	Jan. 7, 1907
Marshall, J. B.	Dec. 16, 1868	Marionaux, Thos.	Jan. 7, 1907
McElvaney, J. G.	Oct. 13, 1869	Moses, Albert L.	Mar. 18, 1907
McClinton, J. G.	May 23, 1871	Murphy, John D.	Mar. 28, 1907
McDonald, O. C.	Nov. 23, 1871	Murrish, Harry J.	May 2, 1907
Murphy, M. A.	Feb. 29, 1872	Malone, Booth M.	May 25, 1907
Maxwell, J. J.	May 18, 1872	Miller, Chas. H.	Aug. 20, 1907
May, J. J.	Mar. 24, 1873	McNulty, Francis	Sept. 16, 1907
McFarland, T. B.	Oct. 13, 1873	Mullins, John I.	Oct. 14, 1907
McAllister, Hall	July 17, 1874	Montgomery, J. A.	Feb. 29, 1908
Mesick, W. S.	Apr. 20, 1876	Moss, Jasper H.	Mar. 21, 1908
Morgan, Jas. M.	Oct. 29, 1875	McKenzie, J. A.	June 18, 1908
Mitchell, R. B.	Apr. 3, 1877	Martin, Theodore	June 30, 1908
Merzbach, F. H.	Jan. 24, 1878	Macbeth, John S.	July 6, 1908
Mann, S. A.	Apr. 6, 1878	Mayers, F. B.	Jan. 5, 1909
Maddux, L. J.	Apr. 17, 1879	McKay, Richard A.	Jan. 11, 1909
MacMillan, J. H.	Sept. 20, 1879	Miller, A. G.	Feb. 23, 1909
Mills, Frank P.	Oct. 6, 1879	Mitchell, C. B.	Mar. 16, 1909
Mahoney, J. L.	Jan. 3, 1881	McParlin, T. J.	Apr. 28, 1909
Mack, Chas. E.	Apr. 4, 1881	Morf, Paul C.	July 31, 1909
Murphy, F. X.	Feb. 4, 1884	Macnichol, W. M.	Aug. 11, 1909
Millar, G. E.	Oct. 2, 1882	March, John C.	Aug. 28, 1909
Miner, Richard S.	May 6, 1889	McPike, Henry C.	Sept. 9, 1909
McGowan, Alex. J.	Oct. 6, 1890	Moore, Henry I.	Oct. 29, 1909
Meredith, J. H.	Dec. 1, 1890	Mashburn, A. G.	Nov. 15, 1909
Mighels, P. V.	Jan. 10, 1891	McPike, Henry H.	Jan. 28, 1910
Metson, Wm. H.	Oct. 5, 1891	Melrose, John R.	June 27, 1910
Murdock, Orrice A.	May 2, 1892	McNamee, L. A.	July 15, 1910
Murphy, Frank E.	June 18, 1892	Melvin, C. E.	Sept. 7, 1910
Massey, W. A.	Mar. 13, 1893	McConoughey, O. H.	Dec. 12, 1910
McNamee, F. R.	Apr. 15, 1895		
Maestretti, A. J.	Jan. 28, 1899		
MacMillan, H. R.	June 24, 1899	North, John W.	June 2, 1862
Mack, O. H.	Oct. 14, 1899	Nourse, Geo. A.	Apr. 25, 1864
McIntosh, C. H.	Mar. 12, 1901	Napthaly, Joseph.	July 10, 1867
Moynahan, J. D.	Oct. 7, 1901	Newmann, Paul	July 13, 1868
McNamara, T. M.	July 6, 1903	Nye, James W.	Oct. 5, 1869
Murphy, John H.	Aug. 8, 1903	Noel, Geo. N.	Apr. 7, 1894
Martinson, Geo.	July 6, 1904	Noreross, Frank H.	July 28, 1894
McCabe, Bert R.	Sept. 12, 1904	Nagel, E. C.	July 30, 1898
McElroy, G. A.	Dec. 10, 1904	Nye, Arthur M.	Feb. 13, 1905
McCarren, P. A.	Feb. 13, 1905	Needles, A. R.	Apr. 17, 1905
McMullens, S. G.	Mar. 25, 1905	Nolan, Daniel V.	Nov. 4, 1905
Marshall, John B.	Apr. 17, 1905	Nourse, John F.	Feb. 26, 1906

Nagle, Chas. G.	Nov. 13, 1906	Ralston, J. H.	June 2, 1862
Nilon, Frank T.	Aug. 11, 1910	Reardon, T. B.	June 2, 1862
O'Dougherty, A. B.	May 12, 1871	Robinson, Tod.	Jan. 20, 1864
Owen, Frank	May 27, 1871	Roop, J. W.	Jan. 21, 1864
O'Dougherty, W. I.	Aug. 11, 1875	Ryan, Wm. H.	Oct. 3, 1865
Osborne, T. J.	Sept. 8, 1884	Rankin, B. P.	May 15, 1866
Oliver, Frank S.	May 28, 1896	Robinson, E. I.	Feb. 18, 1867
Oddie, Tasker L.	Nov. 11, 1898	Rives, H.	Mar. 14, 1870
Orr, John S.	Jan. 7, 1902	Robinson, Robt.	Mar. 14, 1870
O'Brien, Percy H.	June 27, 1905	Reddy, P.	June 28, 1871
O'Brien, Edw. C.	Jan. 17, 1906	Rand, J. H.	Oct. 4, 1875
O'Brien, John P.	Mar. 19, 1906	Robinson, Seth.	Jan. 15, 1878
Ogden, Wm. B.	May 2, 1906	Rankin, Geo. A.	Jan. 11, 1879
Owers, Frank W.	Feb. 25, 1907	Ryan, Launcelot.	Apr. 8, 1879
O'Brien, Martin T.	May 2, 1907	Ryan, T. P.	Nov. 13, 1880
Patterson, Wm.	June 2, 1862	Ritter, Careton M.	Oct. 8, 1881
Pitzer, J. S.	Dec. 23, 1862	Redding, Jos. D.	Oct. 22, 1882
Pendergast, —	Jan. 20, 1864	Ricketts, A. H.	July 19, 1884
Pratt, O. C.	Jan. 20, 1864	Reynolds, John.	July 28, 1894
Powell, John, Jr.	Apr. 29, 1871	Roberts, E. E.	Oct. 14, 1899
Pierson, Wm. M.	June 15, 1871	Richards, Chas. L.	Oct. 7, 1901
Plummer, J. A.	July 10, 1886	Reddick, W. L.	Nov. 5, 1901
Poujade, Joseph.	Nov. 19, 1888	Reeves, Chas. R.	May 7, 1902
Patterson, Webster.	Dec. 1, 1890	Rogers, Lewis H.	July 11, 1903
Platt, Horace G.	Jan. 13, 1894	Reynolds, Chas. F.	July 11, 1903
Pyne, Geo. D.	Apr. 7, 1894	Robins, C. E.	Jan. 4, 1904
Porter, Saml. T.	Mar. 18, 1895	Rogers, Lew.	Sept. 12, 1904
Platt, Samuel.	May 28, 1896	Rogers, E. A.	July 26, 1905
Packard, Peter N.	May 16, 1898	Ross, Margaret A.	Mar. 19, 1906
Pike, W. H. A.	July 29, 1899	Richardson, M. M.	Mar. 19, 1906
Parker, Wm. O.	Dec. 21, 1899	Redington, Jas. K.	Mar. 19, 1906
Pierce, Frank.	Jan. 28, 1901	Ratcliffe, Cummins.	Nov. 12, 1906
Petree, Louis E.	Jan. 6, 1902	Rogers, Elmer.	Dec. 6, 1906
Pittman, Key.	Apr. 7, 1902	Ross, H. W.	Jan. 12, 1907
Pilkington, H.	Apr. 30, 1902	Rhett, T. M.	Feb. 11, 1907
Parker, Joseph S.	Sept. 1, 1902	Rose, Wm. F.	July 1, 1907
Price, Robert M.	Mar. 5, 1904	Richards, Nathan C.	Sept. 3, 1907
Pittman, Wm. B.	Jan. 2, 1905	Rice, Arthur N.	Oct. 14, 1907
Parsons, Sydney J.	Jan. 18, 1905	Richards, Robt.	Nov. 14, 1907
Percy, Hugh.	May 1, 1905	Reed, McClellan O.	Apr. 26, 1908
Patrick, Edw. T.	Apr. 6, 1906	Rogers, Robt. M.	June 30, 1908
Putnam, G. F.	Dec. 3, 1906	Richards, John E.	Aug. 11, 1909
Peters, Clarence E.	Jan. 24, 1907	Ruffeorn, W. M.	Feb. 14, 1910
Price, C. M.	Feb. 11, 1907	Stewart, Wm. M.	June 2, 1862
Peck, Jas. F.	Dec. 18, 1907	Seely, Jonas.	June 2, 1862
Painter, A. E.	Oct. 5, 1908	Smith, Horace.	June 2, 1862
Parks, Chas. J.	Oct. 5, 1908	Stewart, Well.	June 3, 1862
Pate, Daniel A.	Dec. 26, 1908	Steele, H. M.	Dec. 23, 1862
Powers, O. W.	Feb. 23, 1909	Stearns, L. O.	Dec. 23, 1862
Potter, Isaac B.	Apr. 15, 1909	Sankey, Samuel.	Dec. 23, 1862
Pittman, Frank K.	Apr. 21, 1909	Sunderland, Thos.	Dec. 23, 1862
Pike, LeRoy F.	Dec. 1, 1909	Sawyer, Geo. S.	Aug. 20, 1863
Powell, Thos. E.	Nov. 15, 1910	Shuck, O. T.	Apr. 25, 1864
Parker, J. S.	Oct. 12, 1910	Stephens, W. J.	Jan. 5, 1865
Queen, Chas. L.	Sept. 9, 1878	Summer, Chas. A.	Nov. 1, 1865
Quayle, B. L.	Jan. 3, 1907	Seawell, Wm. M.	Oct. 26, 1866
		Stephens, Jas. A.	May 29, 1867
		Stone, M. N.	Aug. 23, 1869

ROLL OF ATTORNEYS

Smith, F. M.	Oct. 11, 1869	Steele, Geo. P.	Feb. 11, 1907
Sanderson, S. W.	Oct. 11, 1869	Schnitzer, Wm.	Feb. 18, 1907
Stonehill, E. B.	May 22, 1871	Shoup, Guy	Mar. 4, 1907
Sine, E. P.	May 27, 1871	Stewart, G. A.	Mar. 28, 1907
Sears, Wm. H.	Feb. 5, 1872	Snyder, Bismarck	May 25, 1907
Scrivner, J. J.	June 8, 1872	Snyder, Wilson I.	May 25, 1907
Savage, J. A.	Mar. 5, 1873	Stevenson, A. M.	June 10, 1907
Simmons, Hugh F.	Apr. 7, 1873	Seeds, Wm. P.	July 29, 1907
Stephens, T. A.	July 6, 1874	Shwayder, S.	Sept. 3, 1907
Sabin, George M.	Mar. 7, 1874	Simmons, Jesse	Sept. 14, 1907
Shafer, J. K.	Jan. 3, 1876	Stickney, W. C.	Oct. 28, 1907
Soderberg, N.	Jan. 24, 1873	Solinsky, Frank J.	Dec. 9, 1907
Stocker, Abner H.	Sept. 3, 1879	Storms, Daniel E.	Jan. 6, 1908
Sutherland, W. J.	July 5, 1880	Skelton, Walter E.	Mar. 14, 1908
Stone, Frank M.	Jan. 24, 1881	Smith, Saml. W.	May 12, 1908
Steffan, Albert	July 9, 1881	Shapira, Saml. S.	June 15, 1908
Sanders, Benj.	May 8, 1882	Sanford, Geo. L.	Aug. 20, 1908
Stearns, A. T.	June 2, 1884	Scheld, Herman W.	Oct. 8, 1908
Siebert, H. G.	Dec. 16, 1886	Seidel, Mrs. D. B.	Nov. 6, 1908
Summerfield, S.	Jan. 12, 1889	Scott, David, Jr.	Feb. 18, 1909
Smith, Grant H.	Jan. 6, 1890	Springer, John E.	June 21, 1909
Scott, J. W.	Oct. 6, 1894	Sears, Fulton H.	Aug. 10, 1909
Sanders, Garry E.	June 5, 1897	Salter, T. J. D.	Aug. 11, 1909
Sherran, Edw. R.	Oct. 4, 1897	Scoular, Robert	Nov. 29, 1909
Smith, Oscar J.	Dec. 2, 1897	Smith, John R.	Mar. 1, 1910
Sawyer, Geo. O.	Jan. 6, 1897		
Sweeney, Jas. G.	July 30, 1898	Tilford, Frank.	Nov. 28, 1863
Sadler, Erwin L.	Nov. 12, 1898	Taylor, R. H.	Jan. 1864
Schlagel, Frank	June 12, 1899	Thornton, Harry I.	Apr. 3, 1866
Sullivan, J. F.	June 11, 1900	Thompson, Robt.	Oct. 11, 1867
Stewart, T. M.	May 22, 1901	Tebbs, Moses	Apr. 14, 1870
Stone, Oscar C.	Oct. 30, 1901	Thornton, C.	May 19, 1871
Stone, W. H.	Mar. 7, 1902	Thatcher, A. M.	Aug. 21, 1872
Schlesinger, Bert	Oct. 1, 1902	Tilden, M. C.	Oct. 23, 1876
Salisbury, A. N.	Nov. 15, 1902	Tuska, Wald J.	Nov. 11, 1878
Stingley, W. F.	Mar. 23, 1903	Tompkins, W. H.	Aug. 14, 1873
Stoddard, R. C.	July 25, 1903	Talbot, Geo. F.	July 7, 1881
Sullivan, F. H.	Aug. 28, 1903	Truman, D. S.	Nov. 15, 1881
Spriggs, Fred W.	Nov. 24, 1903	Torreyson, J. D.	Jan. 4, 1882
Springmeyer, Geo.	June 18, 1904	Taylor, E. W.	July 3, 1882
Stanley, Chas. C.	Nov. 12, 1904	Thomas, F. J.	Sept. 7, 1886
Street, John A.	Jan. 18, 1905	Thackston, C. M.	Jan. 7, 1888
Shaw, J. Vincent.	Mar. 20, 1905	Tait, Hugh A.	Dec. 1, 1890
Sanford, J. F.	Mar. 20, 1905	Tilden, Laura M.	July 22, 1893
Somers, Peter J.	May 11, 1905	Turner, Merrill	Apr. 27, 1896
Sanders, J. A.	June 13, 1905	Tauszky, Edmund	July 12, 1897
Siegfried, T. A. A.	July 31, 1905	Treadwell, W. B.	June 30, 1901
Scott, Fred C.	Sept. 25, 1905	Thompson, C. C.	Nov. 13, 1901
So Relle, W. E.	Oct. 3, 1905	Thompson, W. D.	Jan. 18, 1902
Stevens, Frank A.	Oct. 16, 1905	Taber, E. J. L.	Sept. 12, 1904
Shropshire, J. S.	Dec. 18, 1905	Thatcher, Geo. W.	Jan. 2, 1905
Smith, Jas. S.	Dec. 18, 1905	Thomas, V. S.	Feb. 13, 1905
Stewart, W. E. M.	Feb. 20, 1906	Thomas, W. B.	Mar. 14, 1905
Swallow, A. H.	Mar. 5, 1906	Tripp, Wm. B.	Feb. 13, 1905
Seybolt, Fred L.	May 1, 1906	Thompson, I. S.	Mar. 20, 1905
Smith, Allen A.	June 4, 1906	Tilden, Augustus	May 1, 1905
Strain, Fred C.	Jan. 3, 1907	Taughner, J. F.	May 1, 1905
Stevens, Theron	Jan. 7, 1907	Thompson, J. G.	June 26, 1905
Sims, Wm. M.	Jan. 24, 1907	Thomas, M.	Jan. 29, 1906

Turner, DeWitt C.	Mar. 19, 1906	Wheeler, R. G.	Sept. 2, 1889
Tallman, Clay	Aug. 15, 1906	West, Peter	Jan. 6, 1890
Thomas, Chas. S.	Aug. 30, 1906	Winterburn, G. H.	Apr. 11, 1885
Thayer, Rufus C.	Jan. 22, 1907	Williams, E. L.	Nov. 18, 1885
Thunen, Frank	Apr. 8, 1907	Wheeler, John T.	Dec. 1, 1890
Taggart, Rush	Apr. 27, 1908	Wilson, Ramon E.	Nov. 10, 1891
Timblin, Guy	May 29, 1908	Walling, J. M.	Mar. 28, 1892
Treadwell, Ed. F.	June 30, 1908	Wilson, Marion S.	Nov. 15, 1894
Tyrrell, Frank G.	Sept. 24, 1908	Work, Frank B.	July 1, 1895
Thornton, John T.	Jan. 14, 1910	Warren, Harry	Feb. 25, 1896
		Walsh, John E.	Apr. 27, 1896
Underwood, J. G.	June 10, 1862	Walker, Chas. A.	Sept. 16, 1897
		White, Jay H.	July 30, 1898
Virgin, D. W.	Jan. 14, 1867	Warren, Anna M.	July 29, 1899
Varian, C. S.	June 1, 1872	Williams, Otto T.	June 1, 1901
Van Fliet, W. C.	Jan. 5, 1875	Webb, U. S.	Mar. 3, 1902
Van Der Leith, E. D.	Jan. 2, 1882	Wood, Sidney B.	May 7, 1902
Virden, W. H.	May 12, 1890	Willis, Nelson W.	June 17, 1902
Van Duzer, C. D.	Sept. 12, 1898	Wilson, Robt. R.	Mar. 9, 1903
Vermilyea, S. E.	May 15, 1902	Wiel, Saml. C.	Aug. 1, 1904
Van Dyck, Edw. S.	July 20, 1905	Wells, Vernon D.	Dec. 17, 1904
Van Pelt, O. J.	Dec. 3, 1906	Wynn, C. H.	Jan. 2, 1905
Van Nostran, W. D.	Jan. 24, 1907	Wright, Robert	Feb. 13, 1905
Van Derwerker, J. L.	June 10, 1907	Wheeler, A. K.	Mar. 14, 1905
		Wilson, L. G.	Apr. 17, 1905
Williams, Chas. H.	June 2, 1862	Wilson, Chas. S.	May 1, 1905
Ward, J.	June 11, 1862	Withers, Robt. G.	June 27, 1905
Witherell, Chas. A.	Dec. 26, 1863	Wilson, B. S.	July 7, 1905
Wattson, John V.	Jan. 21, 1864	Wall, Wm. S.	Aug. 12, 1905
Waldron, Dan E.	Jan. 21, 1864	Wallace, Wm. J.	Nov. 13, 1905
Wright, S. H.	Aug. 22, 1864	Wittke, August R.	Mar. 5, 1906
Wells, Thomas	May 31, 1865	Wilkinson, Huger	June 4, 1906
Whitman, B. C.	May 5, 1865	Wilson, Bird May	June 28, 1906
Wallace, W. C.	July 11, 1865	Williamson, H. P.	July 14, 1906
Williams, J. I.	Oct. 9, 1865	Woods, Saml. D.	Aug. 15, 1906
Webster, Wm.	Oct. 17, 1865	Wilson, O. C.	Sept. 1, 1906
Woodburn, Wm.	Jan. 4, 1866	Wample, Thos. W.	Oct. 1, 1906
Williams, Robt. H.	Jan. 6, 1866	Welch, Robert	Jan. 31, 1907
Waldo, H. A.	May 20, 1867	Wilson, R. H.	Feb. 18, 1907
Welty, D. W.	Jan. 5, 1869	Woodburn, Wm., Jr.	Apr. 1, 1907
Waitz, Adolphus	Oct. 13, 1869	Walker, John E.	May 28, 1907
Whitcher, J. W.	Apr. 20, 1870	Wehe, Frank R.	July 1, 1907
Wren, Thomas	Mar. 24, 1871	Wilson, C. H.	July 15, 1907
Williams, Geo. R.	May 20, 1871	Walser, Mark	July 16, 1907
Waters, Geo. L.	June 10, 1872	Ward, Clarence C.	Sept. 14, 1907
Willis, A. H.	June 1, 1875	Winters, Edgar E.	Oct. 14, 1907
Wines, J. L.	Sept. 20, 1875	Watt, J. N.	Apr. 6, 1908
Windle, J. H.	Mar. 5, 1877	Whipple, G. H.	May 29, 1908
Wimans, Jos. W.	Oct. 23, 1877	Wilson, Clement L.	June 15, 1908
Whitehill, H. R.	Jan. 24, 1878	Whittemore, C. O.	Oct. 26, 1908
Wilson, Alexander	Nov. 19, 1878	Wylie, James	Mar. 2, 1909
Wescoatt, W. H.	May 8, 1882		
Willett, C. H.	Oct. 22, 1883	Yeaman, Harvey	Jan. 19, 1906
Wharton, Z. F.	Nov. 9, 1885	Yost, Daniel F.	Dec. 2, 1907
Winnie, Wm. E.	Oct. 3, 1887	Young, R. H.	Jan. 10, 1908

ROLL OF ATTORNEYS

MEMBERS OF THE NEVADA BAR, THE DATE OF WHOSE ADMISSION DOES NOT APPEAR ON THE ROLL OF THE COURT

Aldrich, Louis	Flandreau, Chas. F.	Lindsey, Chas. H.
Anderson, Wm. F.	Flick, Henry	
Atwater, Isaac	Freer, Leon D.	McRea, J. B.
		Moss, James W.
Baker, John T.	Garber, John	
Barbour, Wm. T.	Gaston, Chas. A.	Nugent, John M.
Beatty, H. O.	Gehr, Harry A.	
Berry, George H.	Gray, G. H.	Perley, Duncan W.
Buring, W. H.	Griffith, Chas.	
Brossman, C. M.		Quint, Leander
Brumfield, W. H.	Hereford, Frank	
Bryan, Charles H.	Harmon, J. H.	Rhodes, W. H.
Bowman, John	Harrison, M. D.	Rising, Richard
	Hittell, G. H.	
Cadwalader, George	Hubbard, James F.	Scaniker, S. P.
Coffroth, James W.		Steele, H. M.
Cooper, D.	Kelly, John P.	Street, H. C.
Corson, Dighton	Kendall, Chas. W.	
Croyland, John	Kenedy, James M.	Terry, David S.
	Kutz, Joseph	
Davenport, Wm. H.		Williams, J. J.
Doyle, H.	Labatt, —	Williams, Thomas H.
	Lewis, James F.	Wood, William S.
Elliott, A. B.		Worthington, Harry G.

REPORT OF THE ATTORNEY-GENERAL

TERMINAL RATE CASE

As the Railroad Commission has fully reported the history of the litigation before the Interstate Commerce Commission known as the "Reno Rate Case," and has set forth therein the decision in full, I do not deem it necessary to repeat what is so fully covered in that report.

CASES IN THE SUPREME COURT DURING 1909 AND 1910 WHEREIN THE STATE OF NEVADA WAS A PARTY

State of Nevada v. Henry Weber. Embezzlement. Esmeralda County. New trial granted.

State of Nevada v. Fred Skinner. Murder. Nye County. Error conceded. New trial had, resulting in conviction of defendant and sentence to fifty years in State Prison.

State of Nevada v. George Williams. Murder. Esmeralda County. Affirmed. Defendant executed.

State of Nevada v. Barney Hughes. Assault with intent to rob. Esmeralda County. Affirmed.

State of Nevada v. Emile Rodriguez. Assault with intent to murder. Esmeralda County. Remarks of District Attorney prejudicial. Reversed. Remanded and dismissed.

State of Nevada v. Savatore Luhano and Servanti Davis. Robbery. Washoe County. Affirmed. Sentenced to five years each.

State of Nevada v. Frank C. Everett. Appeal dismissed and judgment affirmed.

State v. W. O. Grady. Attempted jail break. Esmeralda County. Sentenced to ten years. Affirmed.

Application of Geo. Gibson for writ of prohibition to prohibit trial for murder when formerly convicted of manslaughter. Esmeralda County. Application denied.

State of Nevada v. J. W. Simpson. Housebreaking. Esmeralda County. Affirmed.

State of Nevada v. F. B. Hill. Embezzlement. Esmeralda County. Sentenced to one year. Affirmed.

In re application of Wm. Woodburn Sr., for writ of habeas corpus on behalf of Ernest Hall. Original proceeding. Ormsby County. Denied.

No. 1855. *J. Marymont v. Nevada State Banking Board, et al.*, application for writ of mandamus to compel respondents to issue banking license. Denied. Court held that individuals as such cannot be deprived of right to engage in banking business.

State v. Daniel O'Keefe, Sam Oato, and J. N. Grant. Action on bail bond. District Court sustained demurrer to complaint. Affirmed.

No. 1859. *State v. C. C. Petty.* Murder. Washoe County. Death penalty affirmed. Defendant suicided in State prison.

No. 1877. In re application John Prosole for writ of habeas corpus. Arson. Washoe County. Sentenced to five years. Denied.

No. 1876. *State v. Patrick Casey.* Murder. Esmeralda County. Death penalty. Pending.

No. 1878. *State v. J. C. Vertrees.* Attempt to extort money. Esmeralda County. One year. Affirmed.

Nos. 1913, 1914, and 1915. In re applications of Oscar J. Smith, Bert L. Smith and W. E. Griffin for writs of habeas corpus. Indictments for embezzlement found in Eureka County. Writs issued.

No. 1899. *State v. Robert Jorme and Ed Malone.* Burglary. Washoe County.

No. 1909. *State v. Bernard Clark.* Murder. Humboldt County. Life imprisonment. Pending.

No. 1910. *State v. J. E. Raymond.* Attempt to pass fictitious instruments. Washoe County. Sentenced to five years. Pending.

No. 1916. *State v. M. J. Smith.* Stealing ore. Esmeralda County. Pending.

No. 1823. In re application of J. W. Connella for writ of habeas corpus. Contempt. Washoe County. Petition denied and petitioner remanded.

State v. C. Clark. Attempt jail break. Esmeralda County. Sentenced to ten years. Affirmed.

No. 1814. *State v. William Mantel.* Having burglar tools on person with felonious intent. Nye County. Sentenced to six years. Affirmed.

State of Nevada v. Albert T. Jackman. Murder. Esmeralda County. Sentenced to life imprisonment. Affirmed.

No. 1880. *State v. Ascension Mangana.* Murder. Nye County. Death penalty. Affirmed.

No. 1882. *State v. John Prosole.* Arson. Washoe County. Sentenced to five years. Appeal dismissed. Paroled.

No. 1891. *State v. Frank M. Peart.* Murder. Death penalty. Humboldt County. Dismissed on motion of appellant. Commutation to life imprisonment by Board of Pardons.

No. 1890. *Henry Riter v. W. G. Douglass, Secretary of State.* Proceedings to determine validity of Direct Primary Act. Act upheld and writ denied.

No. 1824. In re application of Douglas Shelor for writ of habeas corpus. Contempt of Court. Washoe County. Habeas corpus denied and petitioner remanded.

No. 1926. In re application of Joe Josephs for writ of mandamus to compel Secretary of State to place his name on ballot as candidate for nomination for Clerk of Supreme Court at preliminary election. Original proceeding. Granted.

No. 1922. State v. S. P. Grimmett. Murder. Esmeralda County. In this case the Attorney-General conceded that the verdict of the jury was clearly contrary to the evidence. Reversed for new trial.

OFFICIAL OPINIONS

The law requires the Attorney-General to give his opinion in writing upon any question of law to any state officer and to any District Attorney whenever required.

During the last two years of my term I have rendered many oral opinions, each necessitating a careful examination of the law involved. It being practically impossible to properly record such opinions, several often being required at one time, I herewith submit a complete record of my written opinions only:

CARSON CITY, January 5, 1909.

HON. C. L. DEADY, *State Land Register, Carson City, Nevada.*

DEAR SIR: Replying to your recent inquiry as to whether or not the Act of March 9, 1905 (Statutes, p. 93) affects the patents subsequently perfected by entrymen, or their assignees, who held contracts prior to the passage thereof, I beg to state that I am of the opinion that no reservation of a right of way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States should be included in any patent issued by your office upon applications or contracts made prior to March 9, 1905, as said Act cannot impair the obligation of any contract existing between the State and any citizen at the time of its approval.

As to correcting any patent erroneously issued, your office no doubt may suggest a mode of procedure, otherwise the grantee, or his successor, must necessarily appeal to a court of equity.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, January 26, 1909.

HON. J. EGGERS, *State Controller, Carson City, Nevada.*

DEAR SIR: I am this day in receipt of your request for an opinion on the following query:

It having been the custom of the Controller to withhold salary warrants of all state officers and employees until the Legislature passed the usual general appropriation bill for the support of the civil government for the ensuing two years, will it be lawful to draw the salary warrants of those state officers and employees whose salaries are fixed by law, notwithstanding the custom heretofore followed?

Replying to the above query, I will state that in the recent decision of the Supreme Court in *State v. Eggers*, 29 Nev. 470, it was held that "It is not necessary that all expenditures be authorized by the general

appropriation bill. The language of any Act which shows that the Legislature intended to authorize the expenditure, and which fixes the amount and indicates the fund, is sufficient."

In the same opinion the Court says:

It would seem that warrants have generally been drawn and paid and the State Government conducted from its inception on the theory that, when no fund was specified from which money appropriated by the Legislature was to be paid for the State's ordinary expenses, the General Fund was implied and understood.

Whenever an Act fixes the salary of a state officer or employee at so much per month or per annum it is apparent that the Legislature intended to authorize such an expenditure, and to appropriate out of the General Fund sufficient moneys therefor.

Under the foregoing authority and governing statutes I am of the opinion that you may legally draw your warrants accordingly.

Respectfully yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, February 1, 1909.

HARVEY E. HARRIS, *County Clerk, Austin, Nevada*.

DEAR SIR: Replying to yours of the 28th instant, I beg to state that the opinions of this office are by law reserved for certain state officers and the various District Attorneys of the State, but I am willing to accord you a reply in regard to the question you have asked.

Your salary is fixed by an Act fixing the salaries of the county officers of Lander County, State of Nevada, and other matters properly connected therewith, approved March 14, 1907 (Statutes 1907, p. 148). The forepart of section one of this Act says: "From and after the first Monday in April, nineteen hundred seven, the following-named officers within Lander County, State of Nevada, shall receive in *full payment* for all services rendered by them the following salaries and fees"—and among the list is found the following: "The County Clerk shall receive twelve hundred (\$1,200) dollars per annum and such *civil* fees as are now allowed by law."

This Act is perfectly clear, and under it you are entitled to civil fees, but fees in criminal cases must be turned into the county treasury.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, February 5, 1909.

W. C. GRIMES, *District Attorney, Fallon, Nevada*.

DEAR SIR: Replying to yours of the 3d instant, in which you ask as to whether or not the Sheriff of your county is entitled to twenty per cent of the moneys collected on sheep licenses, I beg to advise that he is not.

Any Act allowing fees to Sheriffs, other than as to civil cases, passed prior to March 20, 1907, has been abrogated, as to the Sheriff of Churchill

County, by an Act of that date relating to the salaries of the county officers of said county, and you are advised that said Sheriff is entitled only to the salary of \$2,000, as fixed by law, and fees in civil cases.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, February 8, 1909.

C. R. REEVES, *District Attorney, Ely, Nevada.*

DEAR SIR: I am in receipt of yours of the 2d and 4th instants requesting my opinion upon certain matters pertaining to White Pine County, and in regard to which I beg to reply as follows:

1. The matter of compensation of the District Attorney of White Pine County is clearly regulated by the Act of 1907 (Statutes 1907, p. 428), which provides that such compensation shall be in full for all services. You are therefore not entitled to fees in addition thereto. See also Opinions of Attorney General, 1907, page 39.

2. Unless the Legislature authorizes the expenditure therefor, the county cannot employ a surveyor other than the County Surveyor.

3. As to what constitutes a concert saloon, an amusement saloon or dance house I think the language of the statute is plain enough when considered in connection with the usual meaning of the words therein employed. Your question is not based upon any particular state of facts, and I cannot therefore advise you further. (See Statutes 1905, p. 208.)

4. Sections 1263-1264 (Compiled Laws) regulate the licensing of certain gambling games. Draw poker is not included therein. Stud poker is licensed, and the facts as stated in your letter make no distinction in favor of any person conducting such game.

5. Sections 2112 and 2113 (Compiled Laws) regulate the manner in which salaries of county officers are drawn and paid.

6. Sections 1098 and 1232 clearly answer your question as to the levy of taxes by the Board of County Commissioners.

It appears that all your queries are readily answered by a casual reference to the statutes, and you are advised that this office cannot undertake to answer simple questions which do not involve the construction or interpretation of existing statutes or an opinion as to procedure or regarding matters properly belonging to the ordinary duties of a district attorney.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, February 24, 1909.

C. R. REEVES, *District Attorney, Ely, Nevada.*

DEAR SIR: Replying to yours of recent date I beg to advise that if White Pine County has failed to elect a County Surveyor, a vacancy exists which may be filled by appointment by the Board of County Commissioners (Section 2121 of Compiled Laws). The Act to regulate surveyors and surveying may be found on page 513 of the Compiled Laws, and

begins with Section 2361. It is true that Section 2366 provides that a vacancy shall be filled by appointment made by the Probate Judge, but this office does not exist under the State Government, and this provision is therefore abrogated, and the vacancy must be filled under the general provision above cited. The fees of the County Surveyor are provided for in Section 2480 of the Compiled Laws.

We have heretofore advised you that before salaries of county officers may be paid it is necessary to comply with the provisions contained in Sections 2112 and 2113, and the Act of 1907 relating to the salaries of the county officers of White Pine County does not nullify the provisions of these sections, and upon a review of the subject we see no reason why we should change our opinion.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, February 25, 1909.

C. R. REEVES, *District Attorney, Ely, Nevada.*

DEAR SIR: Replying to yours of the 11th instant I beg to advise that if White Pine County has failed to elect a County Surveyor, a vacancy exists which may be filled by appointment by the Board of County Commissioners (Section 2121 of Compiled Laws). The Act to regulate surveyors and surveying may be found on page 513 of the Compiled Laws, and begins with Section 2361. It is true that Section 2366 provides that a vacancy shall be filled by appointment made by the Probate Judge, but this office does not exist under the present State Government, and this provision is therefore abrogated, and the vacancy must be filled under the general provision above cited. The fees of the County Surveyor are provided for in Section 2480 of the Compiled Laws.

This office has heretofore advised you that before salaries of county officers may be paid it is necessary to comply with the provisions contained in Sections 2112 and 2113 of the Compiled Laws of this State, and the Act of 1907 relating to the salaries of the county officers of White Pine County does not nullify the provisions contained in said sections.

Upon a review of the subject I see no reason why I should change the views heretofore entertained.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, February 25, 1909.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

DEAR SIR: Replying to yours of the 15th instant requesting an opinion as to the filing and approval of maps and plats under the Act of March 13, 1905 (Statutes 1905, p. 223) I will state that the Board of County Commissioners cannot, in my opinion, rescind or revoke its order accepting and approving a plat after the same has been filed and

recorded as provided by said Act, and the only method by which the same may be vacated is as therein prescribed.

There is nothing in this statute prohibiting the filing and acceptance of a plat of a proposed town site bearing the same name as one previously approved. However, under general common-law principles I believe that to have two towns of the same name, in the same county, would be contrary to public policy and that the action of the County Commissioners in refusing to file such a plat would be sustained by the courts. I can see no legal objection to the other names suggested.

The plat must be acknowledged in the same manner as other instruments affecting the transfer of real property, and, unless authorized by power of attorney, no person may legally execute and acknowledge for any other person in whom the title is vested.

As to advising "just how far" a person may go in contracting to sell lots designated in plats, not accepted or recorded as required by this Act, I cannot advise you. Each case rests entirely upon its own particular state of facts and it is therefore impossible to lay down a general rule.

As District Attorney it is your duty to prosecute offenses under this Act whenever legal evidence of violation is obtainable.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, March 8, 1909.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

DEAR SIR: Replying to yours of the 3d instant, in which you propound certain inquiries relating to the mileage of County Commissioners of your county, I beg to advise that I am unable to find any Act that entitles the County Commissioners of your county to mileage.

In the two Acts of 1907 relating to the salaries of the county officers of Elko County there appears the following language in regard to the County Commissioners:

The County Commissioners shall receive the sum of six hundred dollars per annum, and such mileage and other compensation as is now allowed by law.

Section 2120 of the Compiled Laws (cited by you) on the question of mileage of County Commissioners cannot be construed to apply to Elko County, and there being no other provision in the general laws and no special statute fixing mileage for County Commissioners in your county, I am forced to advise you that that portion of the Acts of 1907, relating to mileage is devoid of legal effect.

I have placed this matter before the Elko delegation in the Legislature so that its members may take action on this subject, if they so desire. Until such action is taken there is no act upon the matters contained in your letter that requires construction from me.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, March 9, 1909.

WILL HILL, *Justice of the Peace, Tippett, Nevada.*

DEAR SIR: Replying to yours of recent date, in which you present certain inquiries as to the sheep license tax. I beg to state that the official opinions of this office are reserved by law for certain public officials, but the subject of your letter being important I am willing to accord you a reply.

The sheep license tax most assuredly applies to transient sheep, and if the tax be paid in one county and the sheep are thereafter removed to some other county the tax must also be paid in the latter county. A license tax paid in one county confers no rights or privileges in another county.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, March 18, 1909.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

DEAR SIR: I am in receipt of yours of the 11th instant requesting an opinion upon the legality of the payment of a certain warrant for \$348.15 out of the Montello District school fund for and on account of labor and materials used in completing a schoolhouse for said district, the sum of \$800 raised by special tax for said purpose being insufficient to complete the construction of said schoolhouse.

Section 77 of the Act of 1907 (Statutes 1907, p. 396) provides as follows:

The Board of Trustees or Board of Education of each city, town and district, may use the moneys from the county school funds to purchase sites, *build* or rent schoolhouses, to purchase libraries and to pay teachers or contingent expenses, as they may deem proper.

This section confers upon the trustees the power to use such moneys as may be available in the county school funds, for the purpose of building or renting schoolhouses, as they may deem proper. In case no such funds are available, the following section of the same Act authorizes the board, in their discretion, to call a special election for the purpose of raising by a *special tax* sufficient funds for said purposes:

The Board of Trustees of any school district may, when in their judgment it is advisable, call an election and submit to the qualified voters of the district the question whether a tax shall be raised to furnish additional school facilities for said district * * * or for building an additional schoolhouse or houses. (Sec. 80, Act of 1907, Statutes, p. 397.)

If the electors of such district, by a majority vote, favor a levy of such tax, it is then *mandatory* and not within the discretion of the board to

comply with the wishes of the people so indicated, the law providing in Section 36 of said Act that—

* * * It shall be their duty, directed by a vote of their district to build, purchase or hire schoolhouses for the use of the district, and also, without such vote, to cause needed repairs of the same, when the expense of such repairs will not exceed \$500 * * *; *provided*, that no public schoolhouse shall be erected in any school district in the State until the plan of the same has been submitted to and approved by the Superintendent of Public Instruction, who may refuse to approve bills in payment of expenses incurred in disregard of this provision.

By no provision of this Act is the board prohibited from completing a schoolhouse which, through a failure to raise sufficient funds by taxation, remains uncompleted. On the contrary if there is any money available in the county school fund, and the board has duly authorized the expenditure thereof for the purposes aforesaid, the Auditor may draw legally his warrant therefor, provided he is satisfied that Sections 41 and 88 of said Act relating to submitting orders for amounts in excess of \$500 to the Superintendent of Public Instruction, have been complied with.

I have not lost sight of the rule that a Board of School Trustees has no powers beyond those expressly granted by the Legislature; that such powers are special and limited and must always be exercised as prescribed, where such prescription is material; but inasmuch as Section 77, *supra*, authorizes the expenditure of certain moneys for the *building* of schoolhouses by Boards of Trustees, if such money is available, I am of the opinion that a Board of Trustees may, under the facts above stated, legally authorize the use of such moneys for the purpose of completing an *unfinished* schoolhouse, provided it has complied with the law in all other respects. You are so advised.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, March 22, 1909.

A. S. HENDERSON, *District Attorney, Eureka, Nevada*.

DEAR SIR: Replying to yours of the 3d instant, requesting an opinion as to whether or not it becomes the duty of the County Auditor to issue his warrant for the payment of a legal claim against the county which has been unanimously passed over his veto by the Board of County Commissioners, I beg to state that a writ of mandate will lie to compel the Auditor to issue his warrant therefor, provided the claim is legal and substantially complies with the requirements of Section 2112 of the Compiled Laws.

What constitutes a substantial compliance with said section can only be determined by an inspection of the claim itself and no rule can be cited or established that would be applicable in all cases. Notwithstand-

ing what has been the past custom with regard to complying with the provision that

No demand shall be approved, allowed, audited, or paid unless each several item, date, and value composing it be indorsed upon the same, by order of the Board of County Commissioners, together with a reference to the law, order, contract or authority by title, date, and section, authorizing the same, the Auditor is acting strictly within his legal authority in refusing to audit any claim which does not show upon its face the facts above required, and may, notwithstanding the fact that his veto has been, by unanimous vote of the Commissioners, overruled, legally refused to draw his warrant upon the Treasurer therefor, provided he is satisfied such claim is illegal. (*State, ex rel. Norcross v. Shearer*, 23 Nev. 83.)

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, MARCH 23, 1909.

J. EGGERS, *State Controller, Carson City, Nevada*.

DEAR SIR: Under Section 1911 (Comp. Laws), the Secretary and the Assistant Secretary of the Senate and the Chief Clerk and Assistant Chief Clerk of the Assembly are each entitled to \$10 upon complying with the provisions thereof, regardless of any subsequent Act or Acts providing for compensation for other services rendered by such attachés.

Very truly,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, April 2, 1909.

HON. ORVIS RING, *Superintendent of Public Instruction, Carson City*.

DEAR SIR: Replying to yours of March 31, 1909, in which you inquire as to the duty of a County Treasurer to keep separate accounts of the several school funds, I beg to advise that under the law this should be done. Section 88 of an Act entitled "An Act to provide for a reorganization of the system of school supervision and maintenance, to repeal all Acts and parts of Acts in conflict therewith, and matters properly connected therewith," approved March 29, 1907 (Statutes 1907, p. 378), reads in part as follows:

It shall be the duty of the County Treasurer of each county:

First—To receive and hold as a special deposit all public school moneys, whether received by him from the State Treasurer or raised by the county for the benefit of public schools, or from any other source, and to keep separate accounts thereof and of their disbursements.

This portion of the Act may also be found in Section 18 of Article XII of the Compiled School Laws of Nevada, 1907.

The use of the plural word "accounts" in this section which deals exclusively with school matters clearly indicates that the intent of the law is that all school funds which in their nature are distinct funds should

be kept separate and that the disbursements should be charged to the proper fund thus segregated.

In your letter you state that this provision is being quite extensively violated and you ask what may be done. In reply to this I beg to state that this matter should be taken up with the State Auditor for such action as he may deem proper.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, April 12, 1909.

CLEVE H. BAKER, *District Attorney, Tonopah, Nevada*.

DEAR SIR: Replying to yours of the 8th instant, in which you cite Sections 2459 and 2465, relating to the fees to be charged by certain county officers, I beg to state that these sections apply to counties polling eight hundred votes or less.

The fact that at the time of the approval of the Act of March 9, 1865, relating to the fees to be charged by county officers, Nye County may have polled eight hundred votes or less does not place it permanently in that class because as soon as it polled over eight hundred votes the county passed into the class relating to counties polling over eight hundred votes.

If Nye County is at the present time working under the first class mentioned, it is doing so under an improper construction of the Act mentioned, and I shall be pleased if you will advise me as to the class under which you are working and I shall then be in a better position to more accurately answer the question contained in your letter.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, April 16, 1909.

To the Honorable Board of Bank Commissioners of the State of Nevada:

GENTLEMEN: Replying to your inquiry of even date as to the proper construction to be placed on the license clause of Section 17 of an Act to define and regulate the business of banking, etc., approved March 24, 1909, I beg to state as follows:

The fees paid by a bank at the time a license is issued to it entitles said bank to operate for the period of one year from the time of the issuance of said license, therefore a license issued to a bank in the present month of this year entitles said bank to lawfully operate until the corresponding day and month in the year 1910, and it will not be necessary for said bank to pay a second license before June 1, 1910.

The last clause in said section which follows the provision fixing the amount of license is in the following language: "And each bank shall pay annually thereafter, on or before June 1st of each year, the license required by this section." The only construction that can be placed on

the words "annually thereafter" which appear in said last-mentioned clause, is that one full year must elapse after the issuance of banking licenses before another license can be legally collected.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, May 5, 1909.

To the District Attorneys of the Several Counties of the State of Nevada:

GENTLEMEN: Many inquiries regarding the construction of certain portions of what is popularly known as the "Wildcat" bill, passed by the Legislature of 1909 (Statutes 1909, p. 62), are being received by this office, therefore, in order that you may be advised as to the views entertained by this office regarding the construction of those portions of this Act which seem to be ambiguous, I beg leave to submit the following conclusions:

The purpose of the Act is to require mining corporations owning, working and developing mining property within the State, *and selling or offering for sale* any of its shares of stock, to furnish certain information as to its affairs and general condition for the use of the public, and also to classify, so far as possible, the kinds of stock usually issued by such corporations and to require the same to be designated as "treasury" or "promotion" stock, as such stock is therein defined, in order to prevent and discouragé the issue and sale of shares of stock in alleged "mining" corporations formed and promoted solely for stock selling purposes, and not owning or possessing actual or prospective mineral rights or property sufficient to warrant the innocent purchaser of stock to invest his good money with the expectation of acquiring anything of value.

Legislation upon any new subject is invariably defective in some respect, and this statute is no exception, but it is almost universally conceded that this Act is a giant stride toward the protection of the mining company operating and selling stocks in good faith as well as the stock investing public, and that, with a few minor amendments, it will accomplish the good purpose for which it is intended.

Section one of the Act requires certain statements to be filed with the County Recorder and Attorney-General. There is a diversity of opinion as to whether these statements are required to be filed this year (1909), or not until next year (1910), that portion of the section relating to the time of filing being as follows:

Every corporation owning * * * and selling or offering for sale * * * any of its shares of capital stock shall, during the months of June and November of each *calendar year hereafter*, file, etc.

If the word "hereafter" were omitted, this question would, of course, not arise, but, it being an elementary rule of statutory construction that every word in a statute means something and must be given effect, the word "hereafter" having for its antecedents the words "calendar year," it cannot be said that the Legislature meant June and November *hereafter*—that is, June and November, 1909—else it would have omitted the word "*calendar*," or used other appropriate language in expressing such an intent. The word "calendar" used in the above sense is defined

by the authorities as meaning "the established order of the division of time into years, months, weeks and days." (Words and Phrases Judicially Defined; Black's Law Dictionary, etc.)

The Act became effective March 5, 1909. It says that certain statements shall be filed, etc., during the months of June and November of "each calendar year hereafter."

The above-quoted language is plain and unambiguous and, in my opinion, means that the statements therein mentioned are required to be filed during the months of June and November, 1910, and thereafter, and not during the year 1909.

The next query:

Is it necessary that stock issued prior to April 15, 1909, be stamped or designated "treasury" or "promotion" stock when the certificates are subsequently surrendered for transfer or to be "cut up" into smaller blocks?

The language of Section 6 of the Act is as follows:

From and after April 15, 1909, it shall be unlawful for any corporation, or any officer, agent or director thereof, owning * * * or developing any mining property in this State, to issue any written or printed certificate representing one or more shares of its stock * * * upon which certificate is not stamped or printed the words "Treasury Stock," etc.

The Act prohibits the issuance of certificates unless such certificates are stamped or otherwise designated as therein required. To "issue" as defined by lexicographers, signifies to send out; to put into circulation.

Instead of the word "certificate" if the word "shares" or "stock" had been used, then this section would not require certificates representing stock theretofore "issued" when presented for transfer to be so marked, but the Legislature has *ex industria* used the word "certificate," and has not recognized the inconvenience or hardship that may be incurred by some corporations in ascertaining the character of early issues of stock in order that when such certificates are surrendered for transfer after April 15, 1909, before new ones are "issued" they may be properly marked; however, I am of the opinion that such is the case, as the statute in direct terms prohibits the issuance of certificates representing one or more shares of stock in mining corporations "owning, leasing, working or developing" mining property within this State and selling or offering for sale any of its stock or shares therein, unless such certificates designate the class of stock they represent as defined by said Act.

Yours very truly,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, March 6, 1909.

HON. W. G. DOUGLASS, *Secretary of State, Carson City, Nevada.*

DEAR SIR: Replying to your recent inquiry as to whether a surety company, in order to qualify under the Act of 1909 (Statutes, 315) must keep on deposit five per cent of its insurance *in force* or five per cent of

an *estimated* amount of liability under bonds executed by it, I beg to state:

Section 3 of said Act provides that bonds or money must be deposited.

"The face value of which shall amount to at least five per centum of the total amount for which such company is liable in this State by virtue of all surety bonds or undertakings required by any law of this State, or given in any civil or criminal action or proceedings in any court of this State, or otherwise incurred or assumed by such company upon any contract of indemnity upon which it is liable in this State," etc. (Statutes 1909, p. 315.)

It is the plain purpose of this section of the Act to require foreign surety companies to furnish adequate security for any judgment secured against it in this State.

The Act is effective July 1, 1909, and from and after that date no company subject to this statute may transact business in this State unless it has deposited with your office five per cent of its *total liability* in this State as appears from the affidavit of its resident agent, which must accompany the deposit. In this case "total liability" means the amount of insurance *in force* at the time application is made and no other construction would harmonize with the language of this section and the purpose of this Act.

Respectfully yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, May 6, 1909.

HON. J. EGGERS, *State Controller, Carson City, Nevada*.

DEAR SIR: Replying to yours of even date: There is no legal merit in the contention that a poll tax cannot be collected upon an Indian reservation. Such tax may be collected upon a reservation in the same manner as in any other portion of the State. (Comp. Laws, 1171.)

Respectfully yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, May 10, 1909.

HON. J. EGGERS, *State Controller, Carson City, Nevada*.

DEAR SIR: Pursuant to your request therefor, I herewith submit my opinion upon the following question:

Is the Act of March 31, 1909, providing for the revision, compilation, annotation and publication of the laws of Nevada and constituting the members of the Supreme Court a commission to perform said work, a constitutional exercise of legislative functions, and is the money appropriated therefor available for said purpose?

By Section 11 of Article VI of the State Constitution, it is provided:

The Justices of the Supreme Court and the District Judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected; and all elections or appointments of any such Judges by the people, Legislature or otherwise, during said period, to any office other than judicial, shall be void.

By the first clause of this section Justices of the Supreme Court and District Judges are made ineligible to any office, other than a judicial office, during the term of office for which they shall have been elected. The second clause is manifestly intended to qualify the first clause of the section, and declares that any election or appointment by the people, Legislature or otherwise of such Judges to any office of which they are ineligible under the first clause, shall be void.

Doubtless the purpose of this provision of the Constitution was to prevent Justices of the Supreme Court and District Judges seeking legislative, executive or ministerial offices that would prevent them filling out the term of office for which they were elected, excepting in cases where the office sought was a judicial one, as in the case of a District Judge seeking the office of Justice of the Supreme Court, before his term of District Judge had expired, a situation which has occurred several times in this State.

The intent of the framers of the Constitution was evidently to confine Justices of the Supreme Court and District Judges to offices of a judicial nature during the term for which they were originally elected, as distinguished from an office that is legislative or executive in character.

Keeping in view the intent of the constitutional provision in question, does the Act constituting the Justices of the Supreme Court a commission to revise, annotate and compile the Statutes of the State, which became a law March 31, 1909, violate this section of the Constitution?

Two questions are presented under the Act and the section of the Constitution referred to:

First—Does membership on this commission constitute an office within the meaning of the Constitution?

Second—If it may be considered an office, is it of a judicial nature, rather than legislative or executive?

I am of the opinion that membership upon this commission is not an office as that word is used in the Constitution.

The term "office," embraces the ideas of tenure, duration, emolument and duties, and that the latter are continuing and permanent, not occasional or temporary." (*Hand v. Cook*, 29 Nev. 518, 542, and authorities therein cited; *Howell v. LaGrave*, 23 Nev. 372; *U. S. v. Germaine*, 99 U. S. 508; *U. S. v. Hartwell*, 6 Wall, 385; *Louisville R. Co. v. Wilson*, 138 U. S. 501; *Auffmordt v. Hedden*, 137 U. S. 310; *David v. Water Committee*, 14 Or. 98; *State v. George*, 18 L. R. A. Or. 737; *People v. Nichols*, 52 N. Y. 484; *Matter of Hathaway*, 71 N. Y. 484; *Bunn v. People*, 45 Ill. 397; *Shuburn v. Hooper*, 40 Mich. 504.)

In *Louisville v. Wilson*, *supra*, Justice Brewer, speaking for the Federal Supreme Court, said: "The terms 'officers' and 'employees' both refer to those in regular and continual service. Within the ordinary acceptation of the terms, one who is engaged to render services in a particular trans-

action is neither an officer nor an employee. They imply continuity of service, and exclude those employed for a special and single transaction."

In *People v. Nichols*, *supra*, Peckham J., now a Justice of the Supreme Court of the United States, speaking for the highest court of New York, and considering the question of the appointment of a Justice of that court as a member of a commission to purchase certain relics of General Washington, after considering and citing a number of authorities, said:

It is very plain that the doing of such an act, a single act like this, is not within the meaning of the constitutional prohibitions against holding any other office or public trust.

In the *Hathaway Case*, *supra*, it was held that, "the term 'public office' as used in the Constitution, has respect to a permanent public trust or employment, to be exercised generally and in all proper cases."

In *Shuburn v. Hooper*, *supra*, following *Underwood v. McDuffee*, 15 Mich. 366, it was held that "the term 'officer' in the Constitution applies to the occupant of an office that has some permanence, and is not created by a temporary nomination for a transient purpose."

The case of *Bunn v. People*, *supra*, is particularly in point. The question involved was whether the commission appointed by the Legislature in an Act providing for the erection of a new state house, was violative of provision of the Constitution of Illinois, providing the manner of appointment of officers. The members of the commission had no powers or duties other than those in connection with the construction of the state house, and for their services, a compensation was fixed. In an opinion by Breese, C. J., the court held that the members of the commission were not officers as that term was used in the Constitution. From the opinion, the following excerpt is taken:

It seems to us that it cannot be predicated of these plaintiffs in error, that their duties are of such a character that a general duty continues. * * * In fact there are no general duties imposed by the Act in question on these appointees; they have only one single special duty to perform, and that is to superintend the erection of a state house, and when that is performed their functions *ipso facto* are at an end. * * *

It seems to us the term "such officer," judging from the contemporaneous action and construction of the clause by the Legislature, had reference alone to such officers as had some portion of the functions of government committed to their charge. * * * So far as we have any knowledge on this subject, or are enabled to judge from the facts of contemporaneous history, no one has ever supposed the Legislature had not full power to appoint and employ all such agents as might be deemed necessary by them to perform duties not of a permanent, but of a transient and incidental character, such as we see in abundance in our statute books. No one has ever exalted such employees to the position of an officer, though their duties might require months or years for their full performance. There is no enduring element in these employments, nor designed to be; the duty being performed, the place is vacant by the very fact of performance.

It is clear, I think, from the authorities cited, and many others may

be found to the same effect, that the appointment by the Legislature of the Justices of the Supreme Court as a commission to revise, annotate and compile the laws of this State, does not constitute such Justices officers, and such commission is not an "office" as that term is used in the Constitution.

Various Acts of the Legislature have imposed duties upon the Justices of the Supreme Court; for example, they were, for a number of years, commissioners in charge of the State Library.

The Chief Justice is now, by an Act of the Legislature, Chairman of the Board of Visitors of the State University. Positions such as these are not offices, as that term is used in the Constitution.

By a reference to volumes 11 to 20 of the Nevada Reports, it will be seen that Judge Hawley, while a Justice of the Supreme Court was appointed to assist the Clerk of the Supreme Court in the preparation of such volumes for publication, and for his services in that regard he received a compensation in accordance with an Act of the Legislature. That eminent jurist doubtless never considered that in the performance of such employment he was holding an office in violation of the Constitution.

By referring to Section 5 of the Act under consideration it appears that, even if membership upon this commission could be regarded as an office, the duties imposed by this Act are of a judicial, rather than of a legislative or executive, character. Said section reads as follows:

In the preparation of such compilation, the said Justices of the Supreme Court shall, so far as practicable make a revision of the laws of this State as follows:

All Acts that are manifestly unconstitutional shall not be included in such compilation, but in cases where they deem an Act unconstitutional they shall call the attention of the next session of the Legislature to the same and make recommendations in reference thereto; they shall also suggest to the next session of the Legislature such amendments or additions to the existing law as in their judgment will be an improvement to the same; they shall, so far as they shall deem expedient, provide for including in the fewest number of Acts all laws in reference to the same general subject-matter, so that when the compilation is finally published as hereinafter provided for, the laws of this State, so far as possible, shall be harmonious, and the several statutes relating to any particular subject shall, so far as practicable, be embodied in one Act. Such comprehensive Acts as now exist, like the Civil Practice Act, the Criminal Practice Act, and the like, shall be carefully examined and amendments, or additions thereto, suggested to the next session of the Legislature. The suggestions of amendments or additions to the existing law, as said Justices shall deem advisable, shall be in the form of prepared bills to be submitted for the consideration of the next session of the Legislature.

See *State v. George*, 16, L. R. A. 737, and authorities cited in opinion. For the foregoing reasons I am of the opinion that said Act (Statutes 1909, p. 330) is constitutional, and that it becomes your duty to draw

your warrant upon the fund thereby appropriated when claims thereon are properly allowed and presented as otherwise provided by law.

Respectfully submitted,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, May 20, 1909.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

DEAR SIR: Replying to yours of the 11th and 17th of the present month I beg to state as follows:

The right of a citizen to fish in the public streams is granted subject to all rights of property and the use and enjoyment thereof, and no such licensee may trespass upon or otherwise interfere with such rights.

The Legislature in requiring a license to fish did not mean thereby that such license, when issued, carried with it the right to trespass, but had in view only the protection of the fish. The law simply prohibits fishing without a license, and when such license is obtained the licensee has no greater right or privilege than his fellow-man, other than the privilege so granted.

In regard to whether or not an Indian should be required to take out a license, and as to what fee should be charged, I beg to state that the law is certainly indefinite on this point, but this office has unofficially advised certain County Clerks to treat them as citizens for the purposes of the fish and game license act, and this seems the most intelligent way of handling the question.

The Legislature did not exempt Indians from the payment of the license fee, and it is an unreasonable deduction to assume that the Legislature intended that they should be entirely deprived of the fishing and hunting privilege.

Several District Attorneys have advised the County Clerk of their respective counties in conformity with the above views and it appears the proper way of solving the disputed question.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, May 20, 1909.

HON. J. EGGERS, *State Controller, Carson City, Nevada.*

DEAR SIR: Replying to your query as to the constitutionality of the Act of March 31, 1909, (Statutes 1909, p. 328) appropriating the sum of \$10,430.15 for the relief of Mrs. Nancy Eleanor Sparks, I herewith submit the following conclusions:

The Act in question donates outright the sum of \$10,430.15 to the

widow of our late lamented Governor, John Sparks. In the preamble of the Act it is set forth:

Whereas, The late Governor of Nevada, the Honorable John Sparks, earned the respect, gratitude and affection of the people of the State of Nevada, by his manly qualities, his devotion to duty, his earnest labors for the rights of all classes and his regard for the good name of the State; and

Whereas, The said John Sparks invested his fortune in beneficial enterprises which were expected to aid in the upbuilding of the community and the development of its latent wealth, but which failed of realization; and

Whereas, The said John Sparks contracted by exposure in the discharge of his duty at a critical time in the history of our State, the illness which caused his death.

The amount so donated is reckoned upon the basis of salary which would have been payable to Governor Sparks had he lived and completed his term of office as Governor of Nevada.

In discussing the legal authority of the Controller to draw his warrant for the amount thus appropriated it is necessary to dispose of two questions:

First—Is the statute in violation of Section 9 of Article VIII of the Constitution of Nevada which provides: "The State shall not donate or loan money or its credit, subscribe to or be interested in the stock of any company, association or corporation, except corporations formed for educational or charitable purposes?"

Second—If not in violation of said constitutional provision, is it an illegal donation of public moneys which, being raised by taxation, can only be used for public purposes and not donated for private uses?

Article VIII of the Constitution above quoted is entitled "Municipal and other Corporations." There are ten subdivisions of said article each of which contains some provision relating to corporations or the authority of the legislature regarding the creation and regulation thereof. By referring to the published debates and proceedings of the Constitutional Convention it appears that this title was constantly referred to as the Article on "Municipal and other Corporations;" the principal discussion being upon the advisability of adding to the present or similar language of Section 9 a proviso authorizing the State to issue bonds to aid the Pacific Railroad then in the course of construction. In construing the meaning and intent of language in a constitution or statute it is elementary that such instrument must be construed in the ordinary sense and usage of language—literally, unless some apparent absurdity or obvious and manifest violation of the sense of the instrument or unmistakable intent of its framers forbids.

In *State, ex rel. Lewis, v. Doron*, 5 Nevada, 337, the Supreme Court adopts, with approval, the following language from the New York Court of Appeals:

Whether we are considering an agreement between parties, a statute or a constitution, with a view to its interpretation, the thing we are to seek is the thought which it expresses. To ascertain this, the first resort in all cases is to the natural signification of the words employed, in the order and grammatical arrangement in which the framers of the instrument have

placed them. If, thus regarded, the words embody a definite meaning which involves no absurdity, and no contradiction between different parts of the same writing, then that meaning apparent upon the face of the instrument is the one which alone we are at liberty to say was intended to be conveyed. In such a case there is no room for construction. That which the words declare is the meaning of the instrument; and neither courts nor legislatures have the right to add to or to take away from that meaning. This is true of every instrument; but when we are speaking of the most solemn and deliberate of all human writings, those which ordain the fundamental law of the States, the rule rises to a very high degree of significance. It must be very plain, nay, absolutely certain, that the people did not intend what the language they have employed, in its natural significance, imports, before a court will feel itself at liberty to depart from the plain reading of a constitutional provision. (Citing *Newell v. People*, 3 Seld., 97 N. Y.)

Does Section 9 of Article VIII prohibit the Legislature from appropriating money and donating the same to private individuals? It says "the State shall not donate or loan money or its credit;" then follows a comma, and the sentence is completed with the words "subscribe to or be interested in the stock of any company, association or corporation, except corporations formed for educational or charitable purposes." It seems to me that if the framers of the Constitution had intended to expressly prohibit the State from donating money to such individuals as it deemed deserving of aid where the consideration was founded in public gratitude, or as a reward or for any other purpose it thought proper for the public welfare, appropriate language expressing such an intention would have been employed, but nowhere in the Constitution, except in this section, is this subject mentioned; therefore, if there is such an inhibition, it is only by implication, and "as the natural signification of the words employed, in the order and grammatical arrangement," as in Section 9, refers to corporations and not to individuals, I am of the opinion that no such implication was intended or exists.

In *Gibson v. Mason*, 5 Nev. 283, the Supreme Court, then having under consideration Section 10 of Article VIII, said:

By the very section preceding that under consideration, the State is prohibited not only from becoming a stockholder in any company or association, but also from donating money to them. Now, if it were the purpose to make the same prohibition respecting counties and towns, why were they not, like the State, expressly forbidden to donate? The failure to make the prohibition in express terms, under such circumstances warrants the conclusion that it was not the intention to do so.

So in construing this section of the Constitution, is it not reasonable to say that if it was intended to prohibit the donation of money to individuals in cases of this kind, why did its framers mention only "company, association or corporation, except corporations formed for educational or charitable purposes?" *Expressio unius est exclusio alterius; i. e., the expression of one thing excludes all others.*

In 1907 this office rendered an opinion upon the legality of a claim for bounty presented by a certain corporation for sinking artesian wells

upon certain property owned by it within this State, the claim being based upon Section 5079 (Compiled Laws) enacted in 1887, and certain amendments thereto, which provided for the payment of a certain sum per foot for every artesian well dug by any person, firm, company, corporation or association. This office ruled that said claim was illegal for the reason that said Section 9 of Article VIII prohibited the donation of money for such purposes, particularly in view of the fact that it appeared that such wells had been bored upon private lands and were owned and enjoyed exclusively by such corporation.

In the early history of this State, the Supreme Court, in considering the limitations of our Constitution, affirmed the principle that all political power originates with the people, but it cannot be claimed that either the Legislative, executive or judicial powers can be exercised by them. The supreme law-making power, the Legislature, may do anything not prohibited in the organic law by which it is created, and, unless its acts are "clearly, palpably and plainly in conflict with some provision of the Constitution, they will not be declared unconstitutional." (*Ash v. Parkinson*, 5 Nev. 15; *Gibson v. Mason*, 5 Nev. 283; *State v. Arrington*, 18 Nev. 415.)

Neither may the courts nullify any statute upon the sole ground that it is unwise, unjust, impolitic or inexpedient, as these are matters of which the Legislature is the sole judge. (*Gibson v. Mason*, *supra*; *Dayton v. Seawell*, 11 Nev. 399; *Ex Parte Boyce*, 27 Nev. 299.)

If not in violation of Section 9 of Article VIII, does said Act illegally appropriate public moneys, raised by taxation, for a private use?

When this bill was before the Governor for his action thereon, I was inclined to believe, under the authority of *Deal v. Mississippi County*, 107 Mo. 465, and cases therein cited, that it came within the rule therein announced, and was therefore void; but upon examining the Constitution of Missouri, upon which said decision is based, I find the following prohibitive language which is much more sweeping in its limitations as to the use of public moneys than any similar provision of our Constitution:

The general assembly shall have no power to authorize any county, city, town or township, or other political subdivision of the state now existing, or that may hereafter be established, to lend its credit, or to grant public money or thing of value in aid of, or to any *individual*, association or corporation whatever, or to become a stockholder in such corporation, association or company. (Article IV, Sec. 47.)

Taxes may be levied and collected for *public* purposes only. (Article X, Sec. 3.)

If the above provisions of the Constitution of Missouri were also in our Constitution there would perhaps be a serious doubt as to the constitutionality of this Act, but as our Constitution does not so provide, we must look to the adjudicated cases and authorities of our own and other States in order to determine whether or nay, in the absence of constitutional restrictions, the Legislature may, in a case of this kind, appropriate money for the use of an individual.

In the *Gibson Case*, *supra*, the Supreme Court of this State quotes with approval the following language from the New York Court of Appeals:

The Legislature is not confined in its appropriation of the

public moneys or of the sums to be raised by taxation in favor of individuals, to cases in which a legal demand exists against the State. It can thus recognize cases founded in equity and justice in the largest sense of these words, or in *gratitude* or charity. Independent of express constitutional restrictions it can make appropriation of money whenever the public well-being requires or will be promoted by it, and it is the judge of what is for the public good. (*Guilford v. Supervisors*, 13 N. Y. 149.)

On May 22, 1900, the State Senate of Massachusetts submitted to the Justices of the Supreme Judicial Court of that State for their opinion thereon the following question (175 Mass. 599, 49 L. R. A. 564):

Has the General Court the right to appropriate money to pay to the widow, heirs, or legal representatives of a person who died while holding an office the salary of which is payable from the treasury of the Commonwealth, or from the treasury of a county, city, or town, the salary, for any period of time after such decease, to which such person would have been entitled if living and continuing to hold such office?

In unanimously holding that the Legislature has the right to appropriate public money to pay to the widow, heirs, or legal representatives of a person who died while holding a public office, the salary for any period of time after such decease to which he would have been entitled if living and continuing to hold such office, where the public good will be served by the grant of such reward, the seven justices (one of whom was Justice Holmes, now a member of the Supreme Court of the United States) said:

In general, the power to pay gratuities to individuals is denied to the Legislature by the Constitution. Ordinarily, a gift of money to an individual would be an appropriation of public funds to private uses, which could not be justified by law. (Citing many cases.)

We deem this proposition so plain that we do not delay to enforce it, but it is not a proposition which disposes of the questions before us; for it is hardly less clear that, when a public purpose can be carried out or helped by spending public money, the power of the Legislature is not curtailed or destroyed by the fact that the money is paid to private persons who had no previous claim to it of any kind.

We need not illustrate by cases where the payment is made on the footing that there would have been an obligation had not one party been the sovereign power, and there the public advantage is in the manifestation that the sovereign power is just. We will take a case which is in the strictest sense a gift. A conspicuous example which occurs to every one is the granting of military pensions after a war. The soldiers have been paid all to which they are entitled, yet the State may grant them a partial or total support for disabilities contracted in service. Such a gift may be intended primarily for an object which is no more private than is a memorial hall. (*Kingman v. Brockton*, 153 Mass. 255, 256, 11 L. R. A. 123, 26 N. E. 998.) It may be meant to bring home to all minds by visible facts

that now, as of old, the courage of the battlefield is honored, and that, if a man will risk his life for his country, his country afterwards will not necessarily hold him to the letter of his generous bond, and deem him fully paid at \$13 a month. * * *

The power to give rewards after the event for conspicuous public service, if it exists at all, cannot be limited to military service. If a man has deserved greatly of the Commonwealth by civil services, the public advantage of recognizing his merit may stand on ground as strong as that for rewarding a general. We cannot foresee the possibilities of genius or distinguished worth, and settle in advance the tariff at which its action shall be paid.

It will be plain from what we have said that, in our opinion, the public welfare alone must be the ground, as it is the only legal justification, for this kind of payment. And it follows that our answer to the first of the two questions before us is that the general court has the right to appropriate money for the purposes supposed in a case where it fairly can be thought that the public good will be served by the grant of such an unstipulated reward, but that it has not that right where the only public advantage is such as may be incident and collateral to the relief of a private citizen. To a great extent the distinction must be left to the conscience of the Legislature. Whether a judicial remedy could be found if a clear case should arise of an unconstitutional appropriation, it happily is unnecessary to inquire.

In *State v. Westerfield*, 24 Nev. 29, the Supreme Court of Nevada, said:

A statute will always be sustained by the courts if there be any reasonable doubt of its constitutionality. This rule is so well settled that authorities need not be cited.

I am unable to find any law or authority that would justify a conclusion contrary to the doctrine announced in the cases herein cited. Even if there was a reasonable doubt as to the constitutionality of this Act, and I do not think there is, the rule laid down in the *Westerfield* case (last cited) would move me to advise you as herein.

For the purposes of this opinion, I do not deem it necessary to discuss other phases of this question, as I think the reasons advanced in the foregoing authorities, sufficiently cover the facts in the case and that for said reasons this Act is constitutional. A valid appropriation having been made by law, it is your duty to draw the warrant in said Act authorized and required, and you are so advised.

Respectfully submitted,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, May 26, 1909.

HON. FRANK WILLIAMS, *Regent of the State University, Reno, Nevada*.

DEAR SIR: Replying to yours of the 20th instant in which you inquire as to whether or not Section 95 of the General Appropriation Bill of 1909 should be construed as effective, and in which you also write that

your question is based upon the point raised as to the regularity of its adoption and passage, I beg to state that the Supreme Court of this State has decided that an enrolled bill is final, and that the journals and records of the proceedings of the houses of the Legislature cannot be used to attack or impeach the enrolled bill. (*State v. Swift*, 10 Nev. 176; *State v. Glenn*, 18 Nev. 34; *State v. Nye*, 23 Nev. 99; *State v. Beck*, 25 Nev. 68.)

In the face of the fact that this is the position taken by our Supreme Court, I therefore advise you that the regularity of the adoption of said section of said bill is not involved, and it must be recognized as the correct expression of legislative intent.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, June 19, 1909.

GEO. N. NOEL, *District Attorney, Virginia City, Nevada*.

DEAR SIR: Replying to yours of recent date in which you make a request as follows: "Will you kindly render an official opinion as to the right of County Assessors to tax sheep driven from one county to another in this State by a bona fide resident of the State, said tax to be made in the county where the sheep are being grazed, the right of the authorities of the county where the sheep are being grazed to proceed to place a tax thereon, and whether or not the last-named county would be entitled to the proceeds derived from such tax, particularly where the owner thereof has failed to file the necessary certificate as required by the Statutes of 1903, page 65, *et seq.*?" I beg to give the following as my view of the law:

The purpose of this Act is not to inflict any hardship on the stockmen of this State, but its intent and purpose is to afford public protection in regard to the collection of taxes on stock which is being grazed in this State. Double taxation is not favored in law, and unreasonable double taxation would be, doubtless, in this State, held to be in conflict with our constitutional provision relating to uniform taxation, but the Act which we are now considering seems to afford the taxpayer a reasonable opportunity to protect himself against the same. If the taxpayer is so negligent that after paying his taxes on stock in one county, or after having his stock assessed in the manner provided for in Section 6 of the above-mentioned Act, and afterwards drives his stock into another county and fails to take advantage of the provisions of the Act exempting his stock from additional taxation, it would appear that he has no just cause for complaint when the second county demands and collects taxes on his stock and, while it is a somewhat delicate proposition of law which has not been ruled on by the Supreme Court of this State, I would advise that the proper position to be taken by the second county collecting taxes in such a case would be to hold the money upon the theory that all laws are presumed to be constitutional until declared to be otherwise by a tribunal having the power to make such declaration.

This position would make it incumbent upon the taxpayer to sue to recover the second payment of taxes and a judicial determination of the disputed question would then be obtained.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, June 29, 1909.

E. J. L. TABER, *District Attorney, Elko County, Nevada*.

DEAR SIR: Replying to yours of June 22d, I beg to advise as follows:

I have examined the original Act entitled "An Act to prohibit the carrying of concealed weapons, and to provide for the punishment thereof," and which is given in the Statutes of 1903, at page 208, and I find that Section 3 of said Act, as given in the published statutes, is erroneous wherein it reads "and by imprisonment," etc., as this should read, and does read in the original Act, "or by imprisonment," etc.

It is therefore an alternative, and not a combined punishment, and the person found guilty cannot be legally subjected to both forms of punishment.

This section is certainly poorly constructed in this respect, that the words "shall be fined" should read "shall be punished by fine of," but I believe the intent is apparent and I am confident that the courts would construe it as meaning the same as though the words "shall be punished by fine" had actually been used, instead of the words "shall be fined."

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, June 25, 1909.

E. B. YERINGTON, *State Fish Commissioner, Carson City, Nevada*.

DEAR SIR: Replying to yours of recent date in which you inquire as to whether or not it will be legal, under our state laws, for a railroad to issue transportation passes to individuals who under the direction of the State Fish Commissioners are engaged to transport fish, fish eggs, etc., from one point in Nevada to another point in said State, I beg to advise that in my opinion the issuance of such transportation passes would not be in violation of the laws of this State.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, July 5, 1909.

HON. J. EGGERS, *State Controller, Carson City, Nevada*.

DEAR SIR: Upon the question of the payment of salary and traveling expenses to Hon. W. H. A. Pike, one of the District Judges of the Second Judicial District Court of this State, I beg to advise:

Under the provisions of an Act of the Legislature, approved March

17, 1905 (Statutes 1905, p. 194), W. H. A. Pike was elected to the office of District Judge of the Second Judicial District of the State of Nevada, and in January, 1907, duly qualified as such officer. Said Act fixed the salary of the District Judge at four thousand dollars per annum. By said Act it is also provided that one of the two Judges therein provided for the Second Judicial District "shall reside at the county-seat of Washoe County, and one of which shall reside at the county-seat of Humboldt County." This last portion of the 1905 Act is ambiguous in that it does not point out in what manner the choice of places of residence could be determined between the two Judges; neither does the Act require the Judges to settle the question between themselves, and as the law in this respect is therefore merely directory, neither of said Judges has resided in Humboldt County, but both Judges have continued to reside in Washoe County.

At the following session of the Legislature (1907) there was enacted an entirely new judiciary Act, which expressly repealed all other existing statutes upon the subject of judicial districts, salaries, etc. (Statutes 1907, p. 298.) This Act of 1907 omitted all reference to the residence of the Judges of the Second Judicial District. At the special session of the Legislature in 1908, the Act of 1907 was amended by providing an additional Judge for the Seventh Judicial District. (Statutes 1908, p. 29.) As the Constitution of Nevada prohibits the Legislature from altering or changing the boundaries of judicial districts or increasing or diminishing the number of Judges therein,

except in case of a vacancy or the expiration of the term of an incumbent of the office,

the Acts of 1907 and 1908 could not be effective until a vacancy occurred, as therein provided. (Constitution, Art. VI, Sec. 5.)

The Legislature this year enacted another statute which raises the question of the legality of the payment of salary to Judge Pike, he having received the least number of votes at the general election in 1906, and continuing to reside in Washoe County. This last Act (Statutes 1909, p. 298) purports to amend that portion of Section 4 of the Act of 1905 requiring one of said Judges to reside in Humboldt County and further provides

that the District Judge receiving the least number of votes at the general election shall reside at the county-seat of Humboldt County; *and provided further*, that if said District Judge shall refuse to live at the county-seat of Humboldt County *he shall receive no salary for any services rendered as such District Judge until such time as he shall "comply with the provisions of this section."* (Statutes 1909, p. 298.)

Section 15 of Article VI of the Constitution provides:

The Justices of the Supreme Court and District Judges *shall each receive, quarterly, for their services*, a compensation to be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected, etc.

When a District Judge is duly elected and qualifies, his salary being fixed by law, the foregoing constitutional provision clearly prohibits the Legislature from subsequently prescribing or imposing any condition precedent to the drawing of such salary for services rendered,

where a failure to comply therewith operates to deprive such judge of the compensation fixed by law at the time of his election.

That portion of the statute last enacted which in effect provides that Judge Pike

shall receive no salary for any services rendered as such Judge until such time as he shall comply with the provisions of this section

being plainly in conflict with the section of the Constitution above set forth, renders said Act void and unenforceable.

For the foregoing reasons I beg to advise that you may legally continue to draw all warrants for salary and traveling expenses due Judge Pike, in the same manner as heretofore.

Respectfully submitted,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, July 13, 1909.

ED. YERINGTON, *State Fish Commissioner, Carson City, Nevada.*

DEAR SIR: Replying to your request of recent date as to whether or not the Board of Fish Commissioners has the power to employ a man to see that the fish planted and contained in the waters of this State are properly protected, I beg to advise as follows:

The Act creating the Board of Fish Commissioners makes it one of its duties to distribute ova, spawn and fish in the waters of this State and it necessarily follows that after distribution is made that the board has the power to adopt such means as will aid in the protection of the fish and it is assuredly an implied power possessed by the board to employ a man to see that this protection is given, and he will be entitled to receive compensation from the money appropriated for the necessary expenses of the Board of Fish Commissioners.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, July 16, 1909.

DR. T. F. RICHARDSON, *State Veterinarian, Goldfield, Nevada.*

DEAR SIR: Replying to your inquiry of the 19th instant as to whether or not, under the Act of 1905, the State Veterinarian has the power to recommend and require the destruction of diseased animals, I beg to advise that this office is of the opinion that you have no power or authority to destroy diseased animals under the statute above quoted; neither could the Legislature delegate such power without providing a "day in court," whereby the owner of the property could have an opportunity to be heard.

In effect such a seizure would be contrary to the constitutional provision against taking property without due process of law.

I recognize the necessity of immediate action in cases of this kind, but the Legislature in this instance has not provided the machinery to accomplish the desired result, although you have ample authority to prescribe reasonable regulations in matters of quarantine.

A Kansas statute having in view the destruction of diseased cattle was before the court in *Verner v. Bosworth*, 28 Kan. 670. In the course of the opinion the court said:

The owners of the cattle cannot be deprived of their title, nor of the right of possession, by proceedings which did not give them opportunity to have their rights adjudged, and of which proceedings they had no notice, and to which they were not parties. In this country in times of peace there is no royal road to the condemnation or confiscation of a man's property irrespective of his interest and his right to be heard. Here the law proceeds upon inquiry, hears before it condemns, and renders judgment only after trial.

In the same case the court referring to decisions relating to the seizure of private property by public authority says as follows:

Yet no decision goes so far as to decide that things guilty may be seized and condemned without notice, and without giving a party having a right in or to the thing an opportunity to have his right tried and adjudged. It would be an unjustifiable hardship, an act of real robbery, to debar such a party of this right, and yet construe the order of seizure and condemnation against him as conclusive.

You are therefore advised accordingly.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, July 19, 1909.

State Board of Education, Carson City, Nevada.

GENTLEMEN: Pursuant to your request for an opinion as to the legality of the Acts authorizing the issuance by the State of Idaho of certain bonds which the State Treasurer of Nevada proposes to purchase for the benefit of the school fund, I beg to advise that I have examined the following Acts of the State of Idaho under which said bonds are issued and am of the opinion that said Acts are in all respects valid and constitutional:

Academy of Idaho improvement bonds; Act of March 16, 1909. (Statutes Idaho 1909, p. 385.) Amount authorized, \$36,000. Mature in twenty years. Optional after ten years. Interest at four per cent per annum.

Lewiston State Normal School bonds; Act of March 17, 1909. (Statutes Idaho 1909, p. 404.) Amount authorized, \$52,750. Mature in twenty years. Optional after ten years. Interest at four per cent per annum.

Idaho Industrial Training School bonds; Act of March 19, 1909. (Statutes Idaho 1909, p. 376.) Amount authorized, \$55,000. Mature in twenty years. Interest at four per cent per annum.

Respectfully submitted,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, July 26, 1909.

E. J. L. TABER, *District Attorney, Elko County, Nevada.*

DEAR SIR: Replying to yours of the 17th *in re* fish and game license: There seems to be no provision in the statute authorizing the County Clerk to issue a license in lieu of a license which has been lost or destroyed except upon the affidavit mentioned in Section 7, and, as the Clerk is required to account quarterly for every license to the Auditor and "shall be responsible therefor," he must demand and collect the fee fixed by the statute in every case.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, July 26, 1909.

HON. J. EGGERS, *State Controller.*

DEAR SIR: In an opinion given your office under date of May 10, 1909, regarding the constitutionality of the Code Commission Act of 1909 (Statutes 1909, p. 330) language is used which may lead you to conclude that warrants for the compensation therein fixed and appropriated for the Justices of the Supreme Court for said services can be issued by you as Controller only after claims for such salary have been approved by the Board of Examiners. The constitutionality of said Act was the sole question passed upon at that time and the use of such language in concluding that opinion was not only unnecessary but misleading, as Section 8 of the Act expressly authorizes and directs the Controller and Treasurer to draw and pay warrants for the amounts therein *fixed*. Sections 1959 and 2022, Compiled Laws, define the duties of the Controller and the Board of Examiners and refer exclusively to claims against the State where the amounts thereof are not definitely *fixed by law*. Section 21 of Article V of the Constitution provides that the Board of Examiners shall have power to examine all claims against the State *except salaries or compensation of officers fixed by law.* (*State v. LaGrave*, 23 Nev. 287.)

As the Act under consideration *fixes* the *compensation* of said Justices, the Board of Examiners has no power or authority to examine, or allow any such claims for salary. I regret the inadvertent use of language in my former opinion which would in anywise tend to confuse your office in this matter and now trust that I have made myself clear upon this point.

Respectfully submitted,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, August 3, 1909.

W. J. MAXWELL, *Warden State Prison, Carson City, Nevada.*

DEAR SIR: Pursuant to your request for an opinion as to the effect of the Act of 1909 (Statutes 1909, page 98) regarding credits allowed prisoners for good behavior, so far as it relates to persons serving sentences at the time said Act was effective, I beg to advise that I am of the opinion that said Act of 1909 is not applicable to the case of any

prisoner who was committed prior to March 15, 1909, the date said Act was approved.

In the case of *Ex Parte Darling*, 16 Nev. 98, an Act almost identical in language, the Supreme Court said:

The judicial power of this State is vested in the courts. The trial, conviction and sentence of prisoners who have violated the laws of this State are well-known judicial duties. Neither the Legislature nor the executive department can interfere with the courts in the exercise of these or other duties which pertain exclusively to the judicial department.

Section 21 of Article V of the Constitution, creating a State Board of Prison Commissioners and giving to it such supervision of all matters connected with the State Prison as may be provided by law, does not direct or permit the Legislature, under the pretense of regulating the discipline of the prison, to wipe out and destroy the previous sentences, or any portion thereof, imposed upon the prisoners by the courts. The Legislature can only pass such Acts as are authorized by the Constitution. It cannot infringe upon any of its provisions.

For the foregoing reasons you are therefore advised that the Act of 1909 applies only to prisoners who were committed subsequent to its approval, as above stated, and not to prisoners committed prior thereto.

Yours very truly,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, August 3, 1909.

T. F. DUNN, *State Board of Embalmers, Goldfield, Nevada*.

DEAR SIR: Replying to yours of July 30, 1909, in which you inquire as to whether or not the members of the State Board of Embalmers would be liable to criminal prosecution or civil damages if they would defer the examination for embalmer's license until October of this year, I beg to advise that in my opinion they would not be criminally or civilly liable, but it would appear manifestly unfair to enforce the license provisions of the embalming Act until those persons now engaged in undertaking and embalming in this State are given an opportunity to be examined as to their qualifications and right to have such license.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, August 3, 1909.

A. S. HENDERSON, *District Attorney, Eureka, Nevada*.

DEAR SIR: I beg to acknowledge receipt of yours of July 31, 1909, in which you inquire as to the authority of the County Commissioners to have a booklet printed at a cost of about four hundred dollars, setting forth the various resources of the county.

Under the rule of law to the effect that County Commissioners have no power except those expressly conferred by statute, which authority, when so conferred, must be strictly construed, I beg to advise that, in

the absence of such statutory authority, I am of the opinion that the County Commissioners cannot legally authorize the use of county funds for any such purpose.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, August 3, 1909.

J. F. HALEY, *State License and Bullion Tax Agent, Reno, Nevada.*

DEAR SIR: Replying to yours of the 25th ultimo, I beg to state: Section 1195, Compiled Laws, contemplates that a quarterly license of five hundred dollars shall be paid by persons conducting "any hurdy-gurdy house, dance-house or concert saloon in this State where women or girls are employed to dance or to solicit the purchase by persons visiting such house either *directly* or *indirectly* of any kind of liquor," etc.

It seems to me that, under the facts stated in your letter, evidence that females are "indirectly" employed should be obtained by the District Attorney and the proprietor thus compelled to pay the license required. If not, the retail license could be revoked as otherwise provided by law, or the female frequenters prosecuted for vagrancy if the District Attorney desired to close the place. Without a more specific statement of the facts obtainable, I am unable to advise you further in the matter.

In the matter of Sunday gambling, I am now looking into the legal question involved pursuant to a formal request from the District Attorney of Lander County. As to gambling games, the jurisdiction of your office extends only to seeing that a proper license has in each instance been obtained and paid for. As to whether or not such games may be lawfully conducted on Sunday it makes no difference in the collection of license money.

As to what constitutes a lottery, the Supreme Court of this State has said that "When the element of chance enters into the distribution of prizes, it is a lottery, without reference to the name by which it is called" (*State v. Overton*, 16 Nev. 143.) A lottery is also defined by Section 4037, Comp. Laws. The Constitution forbids the sale of lottery tickets, and under the facts stated in your communication, the persons so engaged are subject to prosecution under the Act of March 7, 1873.

As heretofore advised, your duties as License and Bullion Tax Agent are enumerated in the Act of March 15, 1905, and do not contemplate the prosecution of violations of other than the license and bullion tax laws; *however*, if you are aware of the violation of any other law of the State, it is your duty to present the matter to the District Attorney of the proper county for his action.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, August 9, 1909.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

DEAR SIR: Replying to yours of the 5th instant in regard to the license that should be paid for operating a merry-go-round, I beg to advise that the sum of ten dollars per day should be paid as provided

by subdivision second of Section 1187, Compiled Laws, where it is provided that "other exhibitions or performances for hire, not herein enumerated, ten dollars per day."

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, August 14, 1909.

HON. J. EGGERS, *State Controller, Carson City, Nevada.*

DEAR SIR: Replying to yours of recent date in which you request an opinion as to what effect the Act of March 26, 1909 (Statutes 1908-1909, p. 315), relating to surety companies doing business in this State, has on bonds or undertakings executed prior to July 1, 1909, the date that said Act went into effect, I beg to advise that the said Act cannot affect any bond or undertaking executed prior to the time that said Act became operative, because the right to contract existed and the impairment of the obligation of contracts would be in violation of the Constitution of the United States.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, August 14, 1909.

HON. J. E. BRAY, *Acting Superintendent of Public Instruction, and* HON. G. E. ANDERSON, *Deputy Superintendent of Public Instruction.*

GENTLEMEN: Replying to yours of recent date in which you state that the apportionment of the State Distributive School Fund has been made and that there has arisen in Elko County a question as to whether or not the distribution of the respective districts in said county is in conformity with the law, I beg to state as follows: According to your statement in two districts of Elko County the returns of the Census Marshals give three children in each of said districts and in the apportionment of the State Distributive School Fund the six children of said two districts were considered and Elko County drew money from said fund for said children, but the money so drawn was not distributed to the districts in which the six children live, but was apportioned among the other districts of Elko County, and this gives birth to the following query:

If the said children in said two districts can be *included* in the apportionment of the State Distributive School Fund, can they be *excluded* in apportioning the money to the several districts of the county? In other words, can a child *aid* in drawing money to a county, and after the money is given the county be absolutely *excluded* from all benefits to be derived from it?

It would hardly seem consistent with sound reasoning that a child is *entitled* to draw money for a county for school purposes and at the same time is thrown into the position where it *cannot hope to enjoy* the benefits of the very money that it has drawn.

The above-mentioned six children do not possess the right to attend, free of compensation, the schools of other districts of Elko County and it would certainly be an anomalous situation where children *could be*

considered for the purpose of getting money into a county, but relegated from all consideration after the money had actually been obtained.

In *State v. Dorey*, 19 Nev. 396, it was held that the orphan children in the State Orphans' Home, Carson City, Nevada, were not entitled to draw money for Ormsby County from the State Distributive School Fund, for the reason that the State had provided otherwise for their education, and furthermore they were not entitled to attend the public schools of Ormsby County. The Supreme Court in this case said:

The controlling thought was to give to each county an equal sum for each child in the county entitled to attend and enjoy the public schools.

This decision considers that the basis upon which a child draws money from the State Distributive School Fund is its right to "attend and enjoy the public schools;" and unless it possesses such right there is no reason why it should be considered in the apportionment of school money.

For apportionment purposes the State Distributive School Fund, under the law, must be considered a fund by itself, and any limitations as to county school funds cannot apply to it.

I am assuming that the apportionment of money to Elko County, out of the State Distributive School Fund, was correctly made when it included the six children hereinbefore referred to, and this point I have not been called upon to decide, and based upon the assumption that they were properly considered in the apportionment I am therefore of the opinion that they cannot be included in the apportionment to the county and excluded from the benefits, or possible benefits, and that if they were entitled to draw money for the county, they were likewise entitled to draw money for their respective districts.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, August 27, 1909.

HON. D. S. DICKERSON, *Lieutenant and Acting Governor, Carson City, Nevada*.

DEAR SIR: Replying to your inquiry of even date as to whether or not there are any legal objections to your honoring the requisition papers from the State of Utah, in the case of *The State of Utah, plaintiff, v. J. J. Campbell and Ed. McConnell, defendants*, I beg to advise as follows:

The defendants are charged with the crime of grand larceny. The affidavit of the prosecuting witness asserts and affirms that a check drawn by him for the sum of \$550 should have been for \$150, and that defendants knew this at the time of the delivery of the check. The defendants are accused of stealing this check.

In my opinion the above state of facts does not make out the crime of grand larceny. One of the defendants, it is admitted, was entitled to receive the sum of \$150, and if the check was drawn for the sum of \$550 by mistake, he had the right to cash the check and take the amount actually due him. He would then hold the \$400 excess in trust for the payer of the note, and he would become liable, criminally, for the felonious appropriation thereof, to his own use and benefit, but the

crime of which he would then become guilty would be embezzlement and not grand larceny.

I am satisfied that a legal case does not exist against the defendants for the crime with which they are charged.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, September 2, 1909.

HON. J. EGGERS, *State Controller*.

DEAR SIR: By an Act entitled "An Act relating to life, health, accident and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 23, 1891 (Statutes 1891, p. 130; Compiled Laws, sec. 942, *et seq.*, as amended Statutes 1909, p. 62), it is provided that corporations may be formed under the general laws of this State to carry on the business of *mutual* insurance upon the assessment plan, and shall be subject *only* to the *provisions* of the above-mentioned Act. It is provided in Section 2 of said Act that \$5,000 must be paid to the treasurer of the corporation to be invested in bonds or securities approved by the State Controller.

The Act above mentioned also provides that corporations organized under the laws of any other State or country to transact the business of mutual assessment insurance may do business in this State after the performance of certain conditions, and among these conditions is the provision inserted in Section 7 of said Act that there must be presented to the Controller "evidence satisfactory to the Controller that the corporation *has accumulated a fund equal to that required of like corporations of this State*, constituting a reserve or surplus fund held in trust for the benefit of its contract holders, and so invested and held as required by the laws of the State or government under which such corporation was organized."

Thus the Act itself fixes the terms of admission, and provisions contained in other statutes as to capital stock and the like can have no application to a corporation formed under or coming into this State under this Act, as the Act itself in Section 2 expressly states that such corporations shall be subject only to the provisions of said Act.

The California Mutual Live Stock Insurance Association has conformed as to its organization to the laws of California, under which it has been organized, and it has likewise fully complied with the special Nevada statute hereinabove mentioned, and this being true, it is entitled under the law to be admitted to this State for the purpose of engaging in the insurance of live stock.

Respectfully submitted,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, September 2, 1909.

The Honorable State Banking Board of Nevada, Carson City, Nevada.

GENTLEMEN: I beg to acknowledge the receipt of your favor of August 27, 1909, requesting an opinion as to the sufficiency of a certain application for license to transact a commercial banking business in the City of

Reno, State of Nevada, received by your board August 25, 1909, said application being made and signed by one J. Marymont and setting forth in substance that he desires to conduct the "Bank of J. Marymont" as an individual, with a cash capital of \$15,000. A certified check accompanies the application.

In reply thereto I beg to advise:

First—That said application is not made in the manner and form prescribed by your board pursuant to Section 54 of the Banking Act of 1909, as shown by Forms Numbers 5 and 7.

Second—That Section 2 of said Act expressly prohibits an individual from engaging in the business of banking within this State except by means of a corporation duly organized for such purpose.

Third—Section 12 of said Act prohibits the issuance of a banking license to an individual.

Fourth—The amount of cash capital is insufficient under Section 14 of said Act.

Fifth—None of the requirements of Sections 15, 16 and 17 of said Act have been complied with.

For the foregoing reasons I am of the opinion that your board should decline to issue a license to said applicant.

All papers are returned herewith.

Respectfully submitted,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, September 2, 1909.

The Honorable State Board of Education, Carson City, Nevada.

GENTLEMEN: Replying to your favor of August 31, 1909, wherein you request an opinion as to whether a parochial school is a public school within the meanings of Sections 19, 20 and 21 of the Act of 1907 (Statutes, p. 378), I beg to advise:

By the mandatory provisions of Article XI of the Constitution of Nevada, the State is bound to provide a uniform system of *common* schools. Section 9 thereof provides that no sectarian instruction shall be imparted or tolerated in any school that may be so established. Section 10 thereof provides further that no public funds whatever shall be used for sectarian purposes.

The School Act of 1907 authorizes the Board of Education to grant life diplomas to any resident of the State who shall present evidence of having taught successfully and continuously "*in the public schools of the State of Nevada* for a period of seventy-two months," etc. While "*common schools*" are mentioned in the Constitution and the statute refers to "*public schools*," the courts have uniformly held that public schools are synonymous with common schools.

Common or public schools are, as a general rule, schools supported by taxation, open to all of suitable age and attainments, free of expense, and under the control of agents appointed by the voters. (25 Am. & Eng. Ency. Law, 8, and cases cited.)

On the other hand a parochial school is generally understood to be a school maintained solely by some religious sect that receives only such pupils as may be chosen with respect to the religious belief or tendency

of the child or its parents or guardian, and where teaching and training the pupil to believe in a particular creed or sect is considered as important and is given as much attention as the education of the pupil along other lines. The word "parochial" is defined by the authorities as "relating or belonging to a parish." A parish is defined by Blackstone as being "a circuit of ground committed to the charge of one parson or vicar or other minister having the cure of souls therein." Nowhere except in the State of Louisiana does the word "parish" mean anything but the precinct of a parish church in charge of a certain secular priest. In Louisiana what are elsewhere termed "counties" are there called "parishes."

Under our educational system sectarian schools cannot be considered common or public schools; in fact, being expressly deprived of public support by virtue of taxation, the division line is plainly drawn, and unless a school is a public school within the meaning of the foregoing definitions, I am of the opinion that no amount of experience as a teacher in a secular school would entitle a person to the life diploma contemplated by the Act of 1907.

Respectfully submitted,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, September 16, 1909.

C. R. REEVES, *District Attorney, Ely, Nevada.*

DEAR SIR: Replying to your request of September 7th for the opinion of this office upon the question as to whether a Justice of the Peace of one township may act for another Justice in the same county without the written request prescribed by law, I beg to advise that the courts have uniformly held that unless a Justice of the Peace is acting strictly within his statutory authority, he is entirely without jurisdiction; therefore, unless the requirements of Section 2442 of Compiled Laws have been fulfilled, the temporary Justice would be acting without authority. Except in the cases mentioned in Sections 1800 and 1801, Compiled Laws, but one Justice can act in a township.

If a Justice of the Peace has not qualified as required by Section 2 of Article XV of the Constitution, he cannot legally act, nor is he entitled to any fees or compensation therefor.

Under the circumstances mentioned in your letter, I am of the opinion that Judge Marriott cannot legally act during the absence of Judge Cartwright, and I therefore suggest that you transact your business before Judge Beck.

I desire to call your attention to another matter which should be considered by your office. This office is in receipt of information that White Pine County has extended the open season for fishing to November 15th, whereas, by recent Act of the Legislature, the season closes September 15th. The law does not permit the open season to be extended, but only authorizes the County Commissioners to further restrict the open season by extending the closed season. See Statutes 1905, p. 192.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, September 16, 1909.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

DEAR SIR: Replying to yours of the 14th instant requesting an opinion upon the new law of 1909 as to the open season for fishing, also in regard to fees of Justices of the Peace in preliminary examinations in criminal cases, I beg to advise:

Open season for fishing: By Section 12 of an Act of the Legislature of 1909 (Statutes, p. 213) the open season for fishing commences March 30th and ends September 15th. The legislative intent is manifest, although very awkwardly expressed. By an Act of 1905 (Statutes, p. 192) Boards of County Commissioners may extend the *close* season and further restrict the time during which fishing may be lawfully engaged in; however, there is nothing in the law which authorizes such boards to extend the *open* season beyond the time limited by the statute above cited.

Fees of Justice of the Peace: I have examined the authorities upon the question as to whether the Act of 1895 (Statutes, p. 20), relating to fees of Justices of the Peace, is effective, although purporting to amend the Act of 1867 which was repealed by the subsequent Act of 1883 (Statutes, p. 129), and have concluded that said Act of 1895 is a valid enactment of the Legislature, although there is a conflict of authority upon the question. All the later and well-considered cases hold that notwithstanding the fact that if through the mistake of the Legislature the statute is in the form of an amendment and purports to amend an invalid Act, if the Legislature has expressed its purpose intelligibly and has provided fully upon the immediate subject, it is valid and must be upheld. See *People v. Canvassers*, 143 N. Y. 84; 37 N. E. Rep. 694; *Beatrice v. Masstich*, 108 Fed. 743; Vol. I, Lewis Sutherland Stat. Con. par. 233.

Many other interesting cases could be cited upon this point, but I deem the foregoing authorities sufficient to make clear my position herein.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, September 24, 1909.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

DEAR SIR: Agricultural Experiment Dry Farm; Statutes 1909, p. 59-60:

Replying to yours of the 16th instant I beg to advise:

The county proposes to expend money raised by taxation in order to "vest in the State a good and sufficient title to said land." As the Act above cited does not pretend to authorize the County Commissioners to exercise any powers not heretofore expressly conferred, or to dispense with any statutory prerequisites necessary in the contemplated expenditure of public funds, I am of the opinion that it will be necessary for the Elko County Commissioners, when advised by the Governor that the provisions of Section 3 of the Dry Farm Act have been complied with, to proceed to have the land appraised in the manner provided by law. (Comp. Laws, 2111, subdiv. 9.) While property may be purchased for county purposes, the statute expressly provides that "No purchase of real property shall be made unless the value of the same shall be *previously*

appraised;" etc., and I do not think that this provision has in any way been suspended or any exception made by the Dry Farm Act of 1909.

The State has appropriated ten thousand dollars for buildings, etc., which in the event of failure of some succeeding Legislature to appropriate funds for maintenance, would revert to the county, provided the proposed covenant to that effect would be inserted in the deed. I do not think the Legislature so intended, and therefore suggest that the proposed condition be omitted and that a straight fee-simple title be conveyed by the county to the State.

Kindly forward with the abstract a copy of the commission's proceedings in regard thereto.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, September 24, 1909.

HON. D. S. DICKERSON, *Acting Governor, Carson City, Nevada.*

DEAR SIR: Replying to your favor of the 21st instant regarding the cutting of timber near Rawhide, Nevada, and requesting an official opinion be given one Geo. W. Devecmon, I beg to advise that as the above query relates to a matter of private right dependent upon the nature of the title to the lands in question, this office cannot, under the facts stated, undertake to officially advise the party interested.

I beg to advise further that the official opinions of the Attorney-General are reserved for certain state officers, boards and the various District Attorneys, upon public matters, and I therefore in any event would be precluded from advising him in my official capacity.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, September 27, 1909.

D. A. PATE, *District Attorney, Austin, Nevada.*

DEAR SIR: Replying to your request of the 12th instant for an opinion as to the proper interpretation of Sections 1258, 1259, 1260, Compiled Laws, relating to sheep licenses, I beg to advise that this office is of the opinion that the provisions of Section 1261 requiring all moneys to be paid to the County Treasurer are mandatory, and that but twenty per cent of the amount of the license may be retained by the Sheriff "as his commission for collecting the same." The two dollars mentioned in the preceding section may also be retained by the Sheriff as a *fee*, provided a subsequent statute regulating the salaries for his county does not fix a salary "in full compensation for all services rendered."

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, September 27, 1909.

HON. D. S. DICKERSON, *Acting Governor, Carson City, Nevada.*

SIR: Complying with your recent request for an opinion as to whether "gypsum" is subject to the tax levied on proceeds of mines, I beg to advise that under the statute (Section 1147, Compiled Laws) "all proceeds of mines, including ores, tailings, borax, soda and *mineral-bearing material of whatever character*" are subject to such tax, and, although it has been disputed that gypsum is a "mineral-bearing material," the legal authorities seem to hold that said substance is a "mineral." See *N. P. Ry. v. Soderberg*, 104 Fed. 425; 1 Lindley on Mines, secs. 97, 420; *Copp's Min. Lands*, p. 182; *Madison v. Octave Oil Co.*, 99 Pac. 176.

It seems to me that under the comprehensive language of the statute above quoted, even if gypsum was not strictly defined as a mineral when "mined," it is certainly the proceeds of a mine and subject to taxation as such.

Section 2 of the Act of March 15, 1905 (Statutes, p. 226), provides that the Bullion Tax Agent shall report in writing to the Sheriff, District Attorney and County Commissioners the names of persons or corporations carrying on any business subject to such bullion tax. It then becomes the duty of such officers to cooperate with the Bullion Tax Agent in enforcing the collection thereof.

Very respectfully,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, October 5, 1909.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

DEAR SIR: Replying to yours of the 28th ultimo, requesting an opinion as to the validity of a certain agreement between the County Commissioners and one W. H. Weeks, architect, for the furnishing of plans and specifications for a sum exceeding \$500 for the erection of a new court-house in Elko County, I beg to advise that I have carefully examined the Act of 1907 (Statutes, p. 335) and all other statutes relating to the power and duties of County Commissioners in the letting of such contracts, and it is my opinion that such contract is void under Section 2142 of Compiled Laws.

In considering a similar question under said section the Supreme Court, in *Sadler v. Eureka County*, 15 Nev. 39, said:

The Commissioners cannot do indirectly what they are directly prohibited from doing. Under the plea of necessity for a change in the original plan and specifications, they cannot ignore the provisions of the statute requiring contracts to be let to the lowest bidder. If the power attempted to be exercised by the Commissioners was to receive judicial sanction, it would strip the public of the very protection which the Legislature intended to give by the restrictions which it imposed.

The authorities you cite also sustain this rule.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, October 6, 1909.

CHAS. R. REEVES, *District Attorney, Ely, Nevada.*

DEAR SIR: I beg to acknowledge receipt of your favor of the 1st instant regarding the violation of the Act of 1887 (Comp. Laws, 2953, *et seq.*) and have carefully noted the contents thereof.

This office has adopted the rule that unless a criminal statute is so obviously unconstitutional as to admit of no argument, every violation thereof should be vigorously prosecuted. There can be no question, in my opinion, but that the facts mentioned in your letter constitute a violation of Section 4954, *supra*. The language of the statute "or where females are used or employed to attract or solicit custom" is plain, and, I think, entirely within the police power of the Legislature to enact. In the event that a test case reaches the Supreme Court, I am satisfied that it will be sustained on constitutional grounds, if that question alone is involved.

Please accept my thanks for the complimentary expressions contained in your last letter.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, October 6, 1909.

W. C. GRIMES, *District Attorney, Fallon, Nevada.*

DEAR SIR: Replying to your favor of September 30, requesting an opinion upon the construction of Section 8 of the Fish and Game Act of 1909 (Statutes, p. 214), I beg to advise:

1. Section 8 of said Act in express terms prohibits "the purchase of such game for the purpose of *barter or sale*." There being no language in the Act that indicates an intention to except hotels, restaurants, etc., from the above prohibition, I am of the opinion that the purchase of game for the purpose of selling the same as food is a direct violation of said Act.

2. The same rule is applicable to common carriers having in their possession more than a limited number of certain kinds of game birds at any one time. The Legislature no doubt deemed this provision most effective in discouraging the wholesale slaughter of such game for market purposes.

I fail to see how said Section 8 can be construed to have any other effect.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, October 12, 1909.

HON. ORVIS RING, *Superintendent Public Instruction, Carson City, Nevada.*

DEAR SIR: Replying to your favor of the 6th instant regarding the compulsory education Act of March 20, 1909, I beg to advise:

1. Under Section 4 of said Act it is incumbent upon the Board of

Trustees to make a full and impartial investigation of the facts complained of by *any person*, if the facts warrant, to cause a proper complaint to be filed in the Justice Court. No such complaint may be filed until after such preliminary investigation by the trustees and then only as in Section 4 provided. This method being prescribed by the statute, all other modes are by implication excluded.

2. A determination by the District Superintendent to the effect that, owing to distance, such attendance is impracticable or unsafe is a legal excuse before the court as well as the trustees, but unless there is evidence of such a determination, the court cannot, of its own motion, so decide. Any person "*connected with the schools*" may serve the notice mentioned in Section 2.

With best wishes for your speedy recovery, I beg to remain.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, October 15, 1909.

P. BEVERIDGE KENNEDY, *Chairman Board of Control Lincoln County Experiment Farm, Reno, Nevada*.

DEAR SIR: Replying to yours of recent date in which you inquire as to whether or not the funds appropriated for the Lincoln County Experiment Farm may be legally used for sinking artesian wells on the Farm, and which wells when sunk will be highly beneficial to the Farm, I beg to advise that this is unquestionably a consistent and legitimate purpose for which to apply said funds.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, December, 30, 1909.

HON. J. EGGERS, *State Controller, Carson City, Nevada*.

DEAR SIR: In the matter of the issuance by you of a warrant for two thousand dollars to pay for certain astronomical and meteorological instruments for the State University, said to have been authorized by the Legislature of 1909, pursuant to Assembly Bill No. 35, said bill not being published as a law in the Session Laws of 1909, I beg to advise:

From an inspection of the original enrolled bill in the office of the Secretary of State it appears that Assembly Bill No. 35 was regularly passed by both branches of the Legislature, duly signed by the President and Secretary of the Senate, the Speaker and Chief Clerk of the Assembly and, on the fifth day of March, 1909, transmitted to the Governor, on which day it was received by him. Thereafter on March 12, 1909, and while the Legislature was still in session, the said bill was received back into the Assembly, together with a veto message, dated March 11, 1909, giving reasons for its nonapproval. Thereafter, on the 13th day of March, 1909, the Governor's veto was sustained, and the enrolled bill was thereafter, with other vetoed bills, deposited in the office of the Secretary of State and was not published. See Journal of Assembly, pp. 197, 198.

The question arises, was the bill returned to the house in which it originated within the time limited by the Constitution? thereby conferring upon the house the right to act upon the Governor's veto, or, by reason of its not being returned within the time prescribed in the Constitution, did the bill become a valid enactment by operation of law?

By Section 35 of Article IV of the Constitution of Nevada, it is provided that if any bill which has been presented to the Governor for approval shall not be returned within five days to the house in which it originated, Sundays and the day on which it was received by him being excepted, the same shall be a law in like manner as if he had signed it, unless the Legislature by final adjournment prevent such return, etc.

From the indorsements on the enrolled bill it conclusively appears that the bill was retained by the Governor five full days, exclusive of Sunday and the day of its receipt in the Governor's office, and was received back into the Assembly on the sixth day, together with the veto message.

The Supreme Court of this State has frequently held that an enrolled bill, signed by the proper officers and deposited with the Secretary of State, is conclusively presumed to have been regularly enacted. (*State v. Beck*, 25 Nev. 68; *State v. Swift*, 10 Nev. 176; *State v. Nye*, 23 Nev. 99; *State v. Glenn*, 18 Nev. 34.)

In *State v. Swift*, *supra*, it is said: "Neither the journals kept by the Legislature, nor the bill as originally introduced, nor the amendments attached to it, nor parol evidence, can be received in order to show that an Act of the Legislature, properly enrolled, authenticated, and deposited with the Secretary of State, did not become a law." See, also, *Field v. Clark*, 143 U. S. 649; *State v. Jones*, 6 Wash. 452, 34 Pac. 201.

In view of the uncontroverted fact that the bill in question was not returned to the Assembly, where it originated, until after the expiration of five days, exclusive of Sunday and of the day it was received by the Governor, the Legislature being still in session, it can only be presumed that the Governor did not see fit to officially approve or disapprove the measure, but that, nevertheless, he intended to allow the same to become a law. Under the constitutional provision herein cited, the moment the five-day limitation expires, a bill otherwise properly enacted and authenticated, becomes the law of the land without the approval of the Governor, and the Legislature alone has the power to amend or set it aside and then only in the manner prescribed in the Constitution.

For the foregoing reasons I am of the opinion that the Act of the Assembly in attempting to sustain the Governor's veto of said bill under the circumstances herein stated was an idle act and without legal effect, and that, by operation of law, the bill became, and now is a valid Act of the Legislature.

You are further advised that upon receiving the written notice mentioned in said Act, you may legally draw your warrant for the amount designated.

Respectfully submitted,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, January 12, 1910.

A. S. HENDERSON, *District Attorney, Eureka, Nevada,*

DEAR SIR: Replying to yours of the 5th instant, requesting my opinion as to the organization of the Board of Commissioners, acting as a County Board of Education under the Act of 1909, p. 243, I beg to advise that I am of the opinion that in the absence of legislative restriction the Chairman and Clerk of the Board of Commissioners exercise ex officio the same relative functions upon the Board of Education as upon the Board of Commissioners.

Very truly yours,

R. C. STODEARD, *Attorney-General.*

CARSON CITY, January 12, 1910.

D. A. PATE, *District Attorney, Austin, Nevada.*

DEAR SIR: Replying to yours of the 17th ultimo, regarding the alleged violation of the "dance-hall license" Act of 1905 (Statutes, p. 208), wherein you submit a statement of facts and request my opinion thereon as to whether or not such facts constitute a violation of said Act, I beg to advise:

In order to prove an offense under said Act it must be established beyond a reasonable doubt that in such hurdy-gurdy house, dance-house or concert saloon,

Women or girls are *employed* to dance or to solicit the purchase by the person visiting such house, either directly or indirectly, of any kind of liquor, etc.

It will be seen that the *employment*, either directly or indirectly, of women or girls under such circumstances and for such purposes, is the gist of the offense, and a failure to show that fact is fatal to the prosecution. The statement of facts in your letter does not show that the women mentioned were directly or indirectly *employed* to solicit the purchase of liquors by others, or to solicit persons visiting the dance-hall to treat to wines, liquors or cigars. If it could be established that under such circumstances the women received a commission or other reward for such solicitations, I am of the opinion that a prosecution would lie; otherwise, as above stated, the case must fall.

Thanking you for your prompt report and the completeness thereof, I beg to remain

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, January 22, 1910.

HON. A. B. LIGHTFOOT, *Deputy State Superintendent of Public Instruction.*

DEAR SIR: In your communication of eved date you have propounded three queries, which you desire to have answered, and I shall therefore insert your questions herein, and after the respective questions will appear my answer:

In a neighborhood or community containing not more than twenty school census children, all of whom can be accommodated at a school not to exceed five miles distant from the place of residence of any school census child in the said neighborhood or community, although there are two regularly organized school districts in the said neighborhood or community, can the State Superintendent of Public Instruction legally apportion school money to more than one of the said school districts?

To the above query I answer: He cannot.

Can school be legally maintained at the expense of the public school funds in more than one of the said school districts?

To the above query I answer: It cannot.

If but one school can be maintained at the expense of the school funds in the said neighborhood or community, can a schoolhouse more than five miles distant from the place of residence of any school census child in said neighborhood or community be selected as the place for holding the school in said neighborhood or community?

To the above query I answer: It cannot.

Respectfully yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, February 22, 1910.

JNO. M. BREEZE, *District Attorney, Pioche, Nevada*.

DEAR SIR: I beg to acknowledge the receipt of your favors of the 10th and 14th instants regarding sheep licenses, Sheriff's actual traveling expenses, and the eligibility of a woman as Deputy County Recorder.

In the matter of collection of sheep license, I beg to advise that Section 1256 of the Compiled Laws and the amendatory Act of 1901 (Statutes, p. 65) have not been amended or repealed.

As to the payment of hotel and board bills of the Sheriff under the Act of 1909, p. 81, the Supreme Court in *State v. LaGrave* 23 Nev. 88, in a parallel case holds that such claims are not part of "actual traveling expenses."

This office has heretofore advised that women are ineligible as Deputy County Recorders, but I can find no copy of published opinions thereon; however, I agree with this view as under Section 3 of Article XV of the Constitution, females, not being qualified electors, are ineligible to hold this office, and the general rule of law to the effect that the deputy must have the same qualifications as the principal must therefore apply.

Trusting the foregoing fully answer your queries, I beg to remain.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, March 7, 1910.

GEO. N. NOEL, *District Attorney, Storey County, Nevada.*

DEAR SIR: Replying to your inquiry as to increasing or diminishing the salaries of county officers, I beg to advise that the provisions of Section 9 of Article XV of the Constitution apply only to such state officers whose salaries or compensation are fixed in the Constitution and not to county or township officers or state officers otherwise created by law.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, March 14, 1910.

HON. W. J. MAXWELL, *Warden of the State Prison, Carson City, Nevada.*

DEAR SIR: Replying to your recent inquiry as to whether or not the transportation of prisoners to the State Prison is a legal charge against the State, I beg to advise that it is a proper and legal charge. (Sections 1475, 1476, 1477, Compiled Laws of the State of Nevada.)

Section 2262 of the Compiled Laws of Nevada refers only to county jails.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, March 17, 1910.

To His Excellency, the Governor, Carson City, Nevada.

DEAR SIR: Replying to yours of the 16th instant regarding the revocation of credits of a prisoner under Section 1440 of the Compiled Laws, I beg to advise that the prisoner may be deprived only of credits earned up to the time of the violation of the prison rules and regulations.

Respectfully submitted,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, March 23, 1910.

DR. T. F. RICHARDSON, *State Veterinarian, Goldfield, Nevada.*

DEAR SIR: Replying to your letter in which you inquire as to your power to quarantine stock and as to what effective inhibition you may place on milk and butter which is impure and dangerous, I beg to state that the Act under which you are attempting to accomplish something for the benefit of the health of this State is very incomplete and unsatisfactory.

No provision is made in regard to the expense of quarantine, and I doubt your authority to compel the owners of stock to pay the expense made necessary by a quarantine.

Probably the Boards of Health of the respective counties could adopt ordinances which would be effective in prohibiting the sale of impure milk and butter.

I think you have the power unquestionably to enter upon the property of others and examine the stock thereon, but I believe that any regulations of a stringent nature would encounter legal objections that might be held to be sound.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, April 10, 1910.

EMMET D. BOYLE, *State Engineer, Carson City, Nevada.*

DEAR SIR: Replying to yours of the 9th instant, in which you inquire as to your right under the law to return for correction water applications filed in your office, I beg to advise that you certainly have that right, and that it is your imperative duty to return defective applications for correction, and the applicant must be allowed sixty days for the refileing thereof.

The notice of application should be based upon a valid and correct application, as any notice based upon a defective application would not conform to the law. Therefore, if notice of application has been given prior to the correction of an application, and the application is afterwards corrected, the first notice given should be treated as a nullity, and a new notice given. The fact that the second notice will be exactly the same in wording as the first notice is inconsequential.

The notice must proceed from a correct and legal application, and if it does not, it will have no force in law.

Respectfully submitted,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, May 4, 1910.

GEORGE L. SANFORD, *District Attorney, Carson City, Nevada.*

DEAR SIR: Replying to yours of the 3d instant, I beg to advise that school warrants are "payable out of county revenue," and they should be accepted in payment of "county taxes" under and in pursuance of the provisions contained in Section 2331, Compiled Laws of the State of Nevada.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, May 24, 1910.

EMMET D. BOYLE, *State Engineer, Carson City, Nevada.*

DEAR SIR: Replying to yours of the 18th instant, in which you request an opinion as to whether or not a permit should be granted covering the use in this State of water from streams rising in California, but flowing into the State of Nevada, I beg to advise that no difficulty

can result from your granting a permit subject to the rights of prior appropriations in Nevada and California, and to the rights of the State of California, and I deem this the proper method of procedure.

Respectfully submitted,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, May 24, 1910.

EMMET D. BOYLE, *State Engineer, Carson City, Nevada*.

SIR: Replying to yours of the 18th instant in which you inquire as to the date prior to which a water right might have been initiated without application to your office, I beg to advise that it must appear to have been done prior to 1905, as the Act approved that year made application to your office a necessary requisite.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, June 29, 1910.

HON. W. G. DOUGLASS, *Secretary of State, Carson City, Nevada*.

SIR: In preparing and transmitting to the several County Clerks the designation of offices for which candidates are to be nominated under the Primary Act of 1909, you are hereby advised that the Act of March 24, 1909 (Statutes 1909-10, p. 307), reapportioning Senators and Assemblymen of the several counties, to the Legislature of this State, violates Section 6 of Article XV of the Constitution of this State in that said Act purports to provide for a Legislature of seventy-six members, whereas said provision of the Constitution expressly limits the aggregate number of members thereof to seventy-five.

For the foregoing reasons, I am of the opinion that it is your duty to disregard said Act of 1909, and to follow the reapportionment Act of March 20, 1907 (Statutes 1907, p. 207), which is still effective.

Respectfully submitted,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, July 14, 1910.

W. C. GRIMES, *District Attorney, Fallon, Nevada*.

SIR: Replying to yours of the 9th instant, I beg to state that that part of paragraph four of Section 5 of the Primary Act, which reads as follows: "All nomination papers pertaining to State Senators and Assemblymen, and to the nomination of candidates to be voted for in more than one county, shall, with such certificate attached, be forwarded, within five days after such paper or papers are left with any County Clerk for examination, to the Secretary of State, who shall receive and file the same," should be followed, as this must be construed as an exception to the method provided in Paragraph 2 of Section 6.

Nominations made for State Senators and Assemblymen must therefore be certified to the Secretary of State.

The above provision has no application to the office of District Judge in and for Churchill County, and the nomination papers for that office should be filed with the County Clerk.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, July 30, 1910.

WM. WOODBURN, *District Attorney, Reno, Nevada.*

SIR: Replying to yours of the 27th instant, in which you request an opinion as to whether or not one J. H. Sheehan is qualified to become a candidate for nomination for a township office in Sparks Township, I desire to advise you that under Mr. Sheehan's statement of facts, I am convinced that under the law he is eligible for such nomination. Section 1728, Compiled Laws, reads as follows: "If a man have a family residing in one place and he does business in another, the former must be considered his place of residence unless his family be located there for temporary purposes only; but if his family reside outside the State and he be permanently located within the State and having no intention of removing therefrom, he shall be deemed a resident."

It appears from Mr. Sheehan's statement that his family moved to Sparks for the purpose of residing there permanently, and the fact that he himself did business in another place and held office in a different locality would not preclude him from gaining a new residence, and I therefore hold that his legal residence at the present time and the place which he should vote is in the City of Sparks.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, August 17, 1910.

SAM P. DAVIS, *Chairman Publicity Commission.*

SIR: Replying to your recent inquiry as to whether or not the Board of Capitol Commissioners should provide you with necessary office furniture, I beg to advise that under the Act of 1907 creating the Publicity Commission there is an express provision in Section 9 thereof that the Board of Capitol Commissioners shall provide the Publicity Commission with necessary office furniture, and that if this has not been done, and there are funds available for that purpose, it is the duty of the Capitol Commissioners to carry out said provision.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, September 1, 1910.

HON. C. L. DEADY, *Surveyor-General and State Land Register, Carson City, Nevada.*

SIR: Replying to your recent inquiry as to whether or not the Board of County Commissioners of Nye County may allow, legally, your claim

presented to said board for services rendered by you for searching records and compiling descriptive lists of entries of patented and contracted state lands and United States lands in Nye County, I beg to advise that it is within the legal power of said board to order your claim paid.

You have advised me that the work was ordered done by J. J. Owens, as ex officio Assessor of Nye County. There is no question but that the records prepared by you are necessary for the safe and correct assessment of property, and Nye County now holds and keeps said records for such purpose.

It may be assumed, for the purpose of this opinion, that J. J. Owens, as ex officio Assessor, was not authorized to enter into any contract with you and that his ordering the work done was absolutely unauthorized. I am convinced, however, that the claim may be paid under the law relating to the ratification of unauthorized contracts.

In Vol. II of Cyc., page 478, the following is said in regard to this question:

Ordinarily unauthorized contracts made on behalf of the county may be ratified by such county through the agents who would have been authorized in the first place to make such contract; but the ratification must be made by them in the same capacity in which they were required to act in making the contract in the first instance and with full knowledge of the existence and nature of the contract in question. It is also necessary that the contract be of such a nature that the body assuming to ratify it would have had power to make it in the first instance.

In *Clarke v. Lyon County*, 8 Nev. 181, it was held that unauthorized contracts of county officers may be ratified by the Board of County Commissioners.

If the various County Assessors of Nye County failed to utilize the statements furnished from time to time by your office to the office of County Assessor of Nye County, the fault has been with the latter office, and not with yours, and it would be unreasonable to contend that you would have to search, free of charge, your records covering many years in order to furnish matters of record, of which, if negligence had not occurred, the office desiring them would have had complete records.

The Board of County Commissioners of Nye County should pass a resolution ratifying the contract entered into by J. J. Owens, as ex officio County Assessor, with you, and should order your claim paid.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, September 2, 1910.

WM. WOODBURN, ESQ., *District Attorney Washoe County, Reno, Nevada.*

SIR: Replying to your request for an opinion as to whether or not it shall be lawful to sell, give away or furnish intoxicating liquors on any day upon which a primary election is being held within this State, I beg to advise that it is my opinion that under Section 1665 of the Compiled Laws any such act or acts constitute an offense and may be punished by fine and imprisonment as therein provided.

The above statute provides that "No person shall sell, give away or furnish, or cause to be sold, given away or furnished, either for or without pay, within this State, on any day upon which any general election is held, nor within the limits of any county or city on any day upon which any special or municipal election is held therein, any spirituous, malt or fermented liquors or wines," etc.

Under the Act of March 23, 1909, a primary election is a general election of nominees for public office. The words "primary election" are as well understood to mean the act of choosing candidates by the respective political parties to fill the various offices as the word "election" is to mean the final choice of all the electors of the persons to fill such offices; therefore the words "any general election" clearly include primary elections and such elections come within the letter as well as the spirit of the statute.

This view is sustained by the Supreme Court of Indiana, in *State v. Hirsch*, 125 Ind. 207, where under a statute providing that "whoever shall sell, barter, or give away to be drunk as a beverage, any spirituous, vinous, malt or other intoxicating liquor * * * upon the day of any election in the township, town or city, where the same may be holden * * * shall be fined," etc., the court said:

The object and purpose of the statute is to prevent elections from being influenced by the use of intoxicating liquors, and to put it beyond the power of any person to secure an election to office by the use or influence of intoxicating liquors. And, as it is the first step to an election to an office by all the electors to be chosen as a candidate of some political party at the primary election held by such party, it is manifestly as important to prohibit the sale of intoxicating liquor on the day of a primary election as upon the day of the final election by all the electors; therefore primary elections manifestly come within the spirit as well as the letter of the law. (Citing *Strasburger v. Burke*, 13 Am. Law. Reg. 607.)

As herein stated, for the foregoing reasons, I am of the opinion that the sale or disposition of intoxicating liquors on the day of any primary election within the State, is prohibited by law.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, September 2, 1910.

WM. WOODBURN, *District Attorney, Reno, Nevada*.

SIR: I am in receipt of yours of the 1st instant, requesting an opinion as to whether or not a person holding the office of postmaster at a salary exceeding five hundred dollars per annum may be a candidate for the office of Justice of the Peace and, if nominated, have his name upon the official ballot at the general election of officers following.

Replying thereto, I beg to advise that Sec. 9 Art. IV. of the Nevada Constitution provides as follows: "No person holding any lucrative office under the Government of the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that post-masters whose compensation does not exceed five hundred dollars per

CORRECTION

THE DOCUMENT IMMEDIATELY PRECEEDING
THIS CORRECTION TARGET HAS BEEN
REPHOTOGRAPHED TO ASSURE LEGIBILITY.
THE REPHOTOGRAPHED DOCUMENT APPEARS
IMMEDIATELY FOLLOWING THIS TARGET.

CORRECTION

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annum, or Commissioners of Deeds, shall not be deemed as holding lucrative office."

In *State, ex rel. Nourse, v. Clarke*, 3 Nev. 566, the court interprets the word "eligible" and holds that it means both "incapable of being legally chosen" and "incapable of holding;" and this view is affirmed in *State v. Clarke*, 21 Nev. 338, and authorities cited. See, also, *State v. Sadler*, 25 Nev. 173.

It is my opinion that a United States postmaster receiving more than five hundred dollars per annum may be nominated for the office of Justice of the Peace pursuant to law, because it is his privilege to resign the postmastership at any time before the general election following, but, if upon the day of the general election of officers following such resignation is not effective, he cannot legally be legally chosen, nor can he hold such office of Justice of the Peace, it being the civil office of profit within the meaning of said section of the Constitution.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, September 23, 1910.

HON. W. G. DOUGLASS, *Secretary of State, Carson City, Nevada*.

SIR: Replying to your request for an official opinion in regard to filing the petition of J. E. Bray as a candidate for the office of Superintendent of Public Instruction, I beg to advise that the same should be filed, and if you find that it contains the requisite number of signatures of electors you should certify the name of said J. E. Bray, as a candidate for Superintendent of Public Instruction, to the various County Clerks, and the designation after his name should be that of "Independent Democrat."

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, September 29, 1910.

HON. D. S. DICKERSON, *Lieutenant and Acting Governor, Carson City, Nevada*.

SIR: Pursuant to your request for an opinion upon certain questions of law under what is commonly known as the Anti-Gambling Act, approved March 24, 1910, regarding the day it is effective, the playing of certain games, the possession of gambling property and other matters, I beg to advise:

1. Section 7 of the said Act provides that it shall be effective *from and after* the 1st day of October, 1910. The adverbs of time, "from and after" used in the above manner, must be given their ordinary sense and meaning. If the Legislature had intended the Act to be in effect *on* and after the 1st day of October, 1909, appropriate language would have been employed. The rule in regard to the computation of time is that when the computation is to be made from an act done the day on which the act was done must be included, but when the computation is to be made from the day itself and not from the act done then the day on which

the act was done must be excluded. (*Handley v. Cunningham*, 75 Ky. 401; *Dougherty v. Porter*, 18 Kan. 206; *Leavenworth v. Parker*, 27 Pac. 114.)

It is true that some cases appear to hold otherwise, but, as one authority says, "in order to avoid the application of such a rule of construction there must be something in the Act, or a result of a literal application of the words to the subject treated by it, to indicate a contrary intent." (Words and Phrases, vol. 4, 2986.)

I am of the opinion that the words "from and after" fix the date named as a point or period of time *after* which the Act is in effect.

2. The title of the Act reads: "An Act to prohibit gambling, providing for the destruction of gambling property and other matters relating thereto."

It will be observed that the title in no manner indicates that other than gambling games are prohibited, nor does the Act itself attempt to define gambling or gambling games.

By Section 17 of Article IV of the Nevada Constitution it is provided that each law enacted shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title, and the authorities are unanimous in holding that all matters not indicated in the title are void; but, as all statutes are presumed to be constitutional, until declared by the courts to be otherwise, it is not necessary to express an opinion upon this point.

Section 1 of the Act makes it unlawful for any person to *deal, play or carry on, open or conduct in any capacity* whatever, whist, bridge whist, five hundred, solo, frog or any other card game, or any banking or percentage game for money, *property, checks, credit or any representative of value*; or any gambling game, etc.

Although at the common law such games are not *per se* gambling games unless there is an agreement that some person shall win and another shall lose money or property upon the result thereof, the words in the statute "*play or carry on, open or conduct in any capacity whatever for money, property, checks, credit or any representative of value*" clearly indicate an intention to prohibit bridge whist, solo, frog and kindred games even when a prize is offered by a nonparticipant, because the players, though they may not have staked anything upon the result of the game, are playing for *property or representative of value*; this does not mean, however, that such games may not be played for pastime where the participants are not playing for money, property, checks, credit or representative of value.

3. Slot machines, when used or maintained so that money or property may be won or lost by the player, is a gambling *device*, and by the terms of Section 3 of said Act it is unlawful to keep, maintain or exhibit the same for said purpose or for the purpose of playing for drinks or cigars the same being "property" within the meaning of said Act.

4. The duties of all peace officers regarding seizure and destruction of gambling property and devices are clearly defined in Section 4 of said Act, but before any such property may be seized or destroyed it must plainly appear that the same is being kept or used *for the purpose of playing the games* prohibited by the statute.

Respectfully submitted,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, October 10, 1910.

HON. W. J. MAXWELL, *Warden of the State Prison, Carson City, Nevada.*

SIR: Replying to your request for an opinion in regard to when the term of a person sentenced to imprisonment in the State Prison begins, I beg to advise that the term of every such person begins from the time of his delivery to the Warden of the State Prison.

A Sheriff violates his duty if he detains for an unreasonable period of time a person sentenced to imprisonment in the State Prison.

One who has been convicted and sentenced to imprisonment in the penitentiary should not be unreasonably detained in the county jail or elsewhere by the Sheriff. (12 Cyc. 792.)

It is conclusive that a person sentenced to imprisonment in the State Prison cannot serve a portion of his term outside of said prison.

Respectfully submitted,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, October 13, 1910.

E. J. L. TABER, *District Attorney, Elko, Nevada.*

SIR: Replying to yours of the 10th instant I beg to advise: If several men sit down in a saloon at a game of solo, and while so engaged, or after being so engaged, one or more than one of the players pays for the drinks for all the players, but such payment is made regardless of the outcome of the game and without any agreement that payment shall be based on the outcome of the game, that such a case does not constitute a violation of the law.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, December 1, 1910.

HON. D. S. DICKERSON, *Governor of the State of Nevada, Carson City, Nevada.*

SIR: Replying to your recent inquiry as to whether or not it is necessary that a commission be issued to the persons appointed to constitute a State Board of Agriculture, I beg to advise that an appointment alone is sufficient, there being no need of issuing a commission.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, December 7, 1910.

GEO. N. NOEL, *District Attorney, Virginia City, Nevada.*

SIR: Replying to yours of the 6th instant, I beg to state that a license tax imposed by a county upon a national bank, duly incorporated, cannot be collected.

In this connection I beg to refer you to an opinion rendered by this office to J. F. Haley, State License and Bullion Tax Collector, on August 31, 1908, which will be found reported in report of this office for 1907 and 1908, at page 89.

It may be that you have mislaid your copy of our report, and I am therefore sending you, under separate cover, a copy thereof.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, December 8, 1910.

HON. SAM P. DAVIS, *Chairman of Publicity Commission, Carson City, Nevada.*

SIR: Replying to your recent inquiry as to whether or not a money contribution may be accepted from the Southern Pacific Railroad Company to be used for the purpose of purchasing supplies and payment of the necessary expenses of the State Printer of this State for publishing extra copies of your report, said copies to be distributed by the Southern Pacific Railroad Company for the purpose of advertising the State of Nevada, I beg to state that I can see no objections to this line of procedure. You are empowered by Section 6 of the Act of March 20, 1907, creating the Publicity Commission, to solicit and receive contributions, and under this provision you have the power to accept money from the Southern Pacific Railroad Company for the purpose of having printed extra copies of your report to be used in the interests of the State of Nevada.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

CARSON CITY, December 23, 1910.

AUGUSTUS TILDEN, *District Attorney, Goldfield, Nevada.*

SIR: Again referring to the question as to whether or not slot machines may be lawfully maintained for the purpose of playing for drinks or cigars, which was a subject of correspondence some weeks ago, I beg to advise that I have since carefully considered the views then entertained by you to the effect that the particular enactment in Section 1 of the Act of March 24, 1910, declaring it to be unlawful "to play, maintain or keep any slot machine played for money, or checks, or tokens redeemable in money," is controlling as dealing specifically with slot machines and therefore that the word "device" in the general enactment should be held to exclude slot machines, except when played for money or checks, or tokens redeemable in money.

In the opinion of this office rendered to the Governor's office September 29, 1910, this phase of the Act was not given the full consideration it deserved as it was necessary at that time to dispose of the question as to when the Act was effective and other matters which required immediate attention.

An examination of the authorities leads me to conclude that the above

stated rule is well settled, and, as you have contended, it is undoubtedly applicable in this instance; therefore, in order that the matter may be clear, this is to advise you that this office has modified that portion of the opinion above mentioned in so far as it conflicts with the rule of statutory construction and language of the Act herein quoted and referred to, so that the same may be in accord therewith.

Thanking you for your courtesy in this matter, I have the honor to remain,

Yours very truly,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, December 30, 1910.

HON. J. EGGERS, *State Controller, Carson City, Nevada*.

SIR: Replying to your recent inquiry in regard to the claim of J. E. Bray, Superintendent of Public Instruction, which includes therein board and lodging while engaged in traveling in his official capacity, I beg to advise that under the General Appropriation Act of March 22, 1909, in Section 29 thereof, \$800 was appropriated to pay the traveling expenses of the State Superintendent of Public Instruction, which section reads as follows:

The traveling expenses of the State Superintendent of Public Instruction eight hundred (\$800) dollars payable out of the General School Fund.

The State Superintendent of Public Instruction unquestionably has the right, under said appropriation, to be paid all his legitimate traveling expenses and this includes board and lodging while engaged in traveling in his official capacity.

The case of *State, ex rel. Cutting, v. La Grave, State Controller*, has no application to the claim presented by Mr. Bray, for the reason that said decision was based upon the use of the words "actual traveling expenses."

The decision was based upon the word "actual" used in the statute in appropriating money for the traveling expenses of the State Superintendent of Public Instruction. This word has been eliminated from the General Appropriation Act of 1909, and the State Superintendent is not now limited to actual traveling expenses, but may receive constructive traveling expenses.

The Legislature, at the time of enacting the General Appropriation Act of this State, is presumed to have had knowledge of the legal decisions of the Supreme Court of this State, and it is therefore fair to presume that the Legislature deliberately eliminated the word "actual" from the section of said Act now under consideration, and that it was the intent and purpose of the Legislature that the State Superintendent of Public Instruction should be paid all his traveling expenses, and I therefore advise that it is your duty, as State Controller, to draw your warrant in favor of J. E. Bray, for the full amount of his claim as allowed by the State Board of Examiners.

Very truly yours,

R. C. STODDARD, *Attorney-General*.

CARSON CITY, December 31, 1910.

GEORGE I. SANFORD, *District Attorney Ormsby County, Carson City, Nevada.*

DEAR SIR: Replying to your recent inquiry as to whether or not the so-called "cleanup" of an abandoned mill is subject to the law relating to the taxing of proceeds of mines and commonly known as the Bullion Tax Law, I beg to advise that I can see no reason why this should not be taxed as it is an output of some mine. The mere fact that there may have been some delay in reducing the ore would not take it from the provisions of the Act.

Very truly yours,

R. C. STODDARD, *Attorney-General.*

FULL CREW LAW

Upon being informed that the Southern Pacific Company, a Kentucky corporation operating a common carrier railroad business within the State of Nevada, was violating the provisions of the Act of March 8, 1909, commonly known as the "Full Crew Law" by operating trains consisting of more than fifty freight cars out of Sparks, Nevada, without the extra brakeman required by said Act, this office on the 14th day of October, 1909, instituted proceedings against said corporation in the Justice Court at Sparks, Nevada, and issued process against said corporation and attempted to enforce the provisions of said Act, section four of which provides as follows:

Any person, firm, company or *corporation* violating any of the provisions of this Act, *shall be deemed guilty of a misdemeanor* and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars.

Ample evidence to support a conviction was obtainable in this case, but as there is no provision of law, either general or special, by which in such cases a corporation may be punished by holding its officers or agents criminally liable, and it being impossible to physically jail the corporation itself, and it coming to my knowledge that the railroads operating in Indiana had appealed from the decision of the Indiana Supreme Court upholding the constitutionality of the Indiana Act, after conferring with the Railroad Commission, it was deemed advisable to await the decision of the United States Supreme Court, and, in the meantime, to suggest to the Legislature the defects in the statute above mentioned.

I therefore recommend that provision be made whereby the fine prescribed in the statute may be recovered by a civil action against the corporation, or that any officer, train dispatcher or other agent of the corporation knowingly violating any of the provisions of the Act, be deemed guilty of a misdemeanor and fined accordingly.

NEW PRISON

By an Act approved March 20, 1909, the Board of Prison Commissioners were commanded to acquire if possible from the United States Government, the premises in Ormsby County known as the Stewart Institute for the purpose of constructing thereon a new prison, and in the event said premises could not be purchased, to acquire a parcel containing not less than one hundred acres of good tillable land with water, and then forthwith to proceed to take all necessary actions and proceedings for the erection and construction thereon, wholly or in part, of a substantial and well equipped prison.

On May 3, 1909, the board directed State Engineer Nicholas to visit and examine the modern prisons of the United States and authorized any member of the board to accompany him if convenient so to do. Pursuant to that direction, the State Engineer and the Attorney-General visited certain modern prisons in the States of New York, New Jersey, Delaware, Virginia, Illinois and also Washington, D. C., and thereafter Mr. Nicholas duly reported the result thereof to the Prison Board, a copy of said report being published herewith.

Thereafter the Governor was authorized to open negotiations with the United States Government for the purpose of purchasing if possible, the Indian School premises, and on October 29, 1909, was officially informed that said premises could not be obtained. In the meantime, the members of the board personally visited the site owned by Ambrose immediately adjoining the present prison on the east, also the Schulz ranch and the Pedroli ranch, (the latter about eight miles southwest of Carson) and thereafter, after due consideration, purchased the Schulz ranch for the sum of twenty-five thousand dollars. State Engineer Nicholas then submitted a general plan of the necessary buildings, and detailed plans and specifications for steel cell work in conformity with the ideas and data gathered upon his trip East, but before his plans and ideas as to modern prison construction could be intelligently considered and acted upon, he was superseded by the present State Engineer, Mr. Boyle, who was compelled to take up a situation the details with which he was at the time entirely unfamiliar. However, as the law demanded immediate action on the part of the board, it was deemed advisable to order the cell material in advance of any other work or materials as complete plans, drawings and specifications therefor had been submitted by Mr. Nicholas, and a year had elapsed with nothing accomplished in the way of actual construction. Accordingly on the 28th of March, 1910, the cell plans and specifications were adopted and the clerk was directed to insert an advertisement calling for bids to be submitted on or before May 9, 1910, and requiring all bidders to deposit therewith, as an evidence of good faith, a certified check amounting to ten per cent of the bid.

On May 9, 1910, the following bids were opened and considered:

Mesker Bros., \$119,890; deduct for single cell plate construction instead of double, \$13,045; if prison labor used, \$113,422; if fabricated and installed at prison with prison labor, \$100,718; deduct \$8,492 for single plate construction.

Van Dorn Jail Works Co. Bid \$211,950; single plate, \$195,950.

Stewart Jail Works Co. Bid \$206,000; deduct for single plate, \$14,900.

Nevada Engineering Works. Bid \$206,480; deduct \$14,600 for single plate construction; Pauly patent automatic locking device.

The Mesker Company failed to file or present a certified check of ten per cent of the amount of the bid, and also failed to submit plans or models of a locking device or suitable system of cell-door control. The Van Dorn Company also neglected to file a certified check. The Nevada Engineering Works and Stewart Company complied with all the requirements of the notice and specifications. Final action in the matter was not taken until May 29, 1910. The board in the meantime visited the old prison and with Warden Maxwell again inspected the cell-locking device and system previously installed by the Mesker Company, and regarding which there had been much controversy between that company and the board on account of defects in operation, which said company had promised to remedy and had failed to do. In fact the Warden reported that on several occasions the locks had failed entirely to respond to the controlling levers, and that it required the daily services of one competent man to keep the same in working order. In the event of fire or other emergency, such a situation would have resulted in great danger to the lives of the prisoners, to say nothing of other possible contingencies.

A first-class system of cell locking was deemed to be necessary to a first-class prison, as contemplated by the provisions of the new law, and the present system could not be said to be first-class, as compared with other systems in vogue in modern prisons of the country. There was but little difference in the amount bid by the Stewart Jail Works Company and the Nevada Engineering Works, but in view of the fact that the latter company had offered to install the "Pauly" locking device, an approved system of exclusive lever control adopted by many States and institutions, while the Stewart Company's plan called for a different though much more practicable system of locking device than that of the Mesker Bros., it was the opinion of a majority of the board that for the purposes intended the Pauly lock was the most desirable, and that notwithstanding the low figures submitted by the Mesker Company, certain ridiculous statements of their representative coupled with their failure to live up to past agreements, and their failure in this instance to show good faith and bind themselves by filing a certified check as required, it was decided for these reasons to reject those bids and to award the contract to the Nevada Engineering Works for the total sum of \$168,500, the number of cells being reduced to 299 from the number shown on the original plans.

Subsequently on the 28th of December, 1910, the number of cells was again reduced to 240 and the contract price with the consent of the contractor, reduced to \$147,570 with a proviso that if that amount is not the true proportionate reduction, the matter shall be submitted to arbitration upon final settlement.

I do not deem it necessary to enter into idle controversy with those who in the past, through the public press and otherwise, without any knowledge whatsoever of the true facts in this matter, and without taking the trouble to examine the minutes of this board, have been loud in denouncing members of the board as not considering the best interests of the State, and in insinuating irregular methods in awarding the cell

contract. Certain scavengers of the newspaper world have delighted in misleading the public in this respect.

In conclusion it may be well to observe that the Act of 1909 is mandatory and contemplates the immediate construction, either wholly or in part, of a modern prison; and it is intended that the board shall be guided by the information, data and ideas gathered by the State Engineer in visiting the modern prisons of the country; also, that in deciding which is the lowest and best bid the board should consider the recommendations of the State Engineer and, as far as practicable, carry them out. The State cannot expect to accomplish good results by accepting whatever is offered just because the price is low. The lowest bid is not always the best bid. By reducing the number of cells to 240 and requiring tool-proof material for 120 cells, thereby effecting a reduction in the contract price from \$168,000 to \$147,000, it cannot be fairly said that the State has not made a good bargain. This action was taken December 28, 1910, although it has been erroneously stated that the original contract was that day executed. A cursory examination of the minutes of the Prison Board will furnish a complete history of these transactions.

While the board did not consider it as applying in this instance, full answer may be made to the criticism of some persons to the effect that the Board discriminated in favor of the Nevada bidder, by calling attention to the fact that the policy of this State is—and for many years has been—to favor its own industries. This can be readily gathered from the text of the Act of March 9, 1893, which provides that "All supplies purchased for the State of Nevada, or any county in the State, shall be purchased of resident merchants and business men whenever said merchants and business men are ready to supply such supplies and goods at an advance of not more than ten per cent over San Francisco prices, freight added."

**REPORT ON MODERN PRISONS OF THE UNITED STATES IN
COMPLIANCE WITH SECTION 3, CHAPTER CXXXI, APPROVED
MARCH 20, 1909, STATUTES OF NEVADA**

BY FRANK R. NICHOLAS, STATE ENGINEER

To the Honorable Board of Prison Commissioners, Carson City, State of Nevada.

GENTLEMEN: In accordance with an Act passed by the recent Legislature, and instructions from the State Board of Prison Commissioners, in company with Attorney-General Stoddard, a member of said board, I visited various prisons throughout the United States and herewith submit the following:

The various prisons of the United States which have in the last ten years adopted modern features of ventilation, sanitation, new cell wings or buildings, steam-heating, electric plants and other modern improvements, are as follows:

New Jersey Prison at Trenton, New Jersey; new cell wings containing steel cells with modern locking devices;

New York Penitentiary at Syracuse; new cell wings, steel cells and modern locking devices;

State Prison of Indiana, Michigan City; new cell wings containing concrete cells with steel fronts;

Ohio Reformatory at Mansfield, Ohio; brick cell wings, steel cells with modern locking devices;

Wisconsin State Prison at Waupum, Wisconsin; new stone wing with concrete cells, steel fronts and modern locking devices;

Michigan State Prison at Jackson, Michigan; new brick cell wing, with steel cells and modern locking devices;

Missouri State Prison at Jefferson City, Missouri; new stone cell wing, steel cells and modern locking devices;

Federal Prison at Atlanta, Georgia; brick cell houses, steel cells, modern locking devices;

Federal Prison at Leavenworth, Kansas; brick cells with steel fronts and partial modern locking devices;

Nebraska State Prison, Lincoln, Nebraska; new brick cell wings, steel cells with modern locking devices;

West Virginia State Prison, Moundsville, West Virginia; new stone cell house with steel cells.

The above-mentioned constitute the greater majority of prisons in which, at least a portion of buildings contain modern improvements and devices which have been installed during the period of ten years, but are not what could be classed as model prisons.

The prisons of Kentucky, Tennessee, Minnesota, Montana, Colorado, Nebraska, Iowa, Illinois, New Mexico, Arizona and California, possess no distinctive features that could be classified as modern construction. The majority of the prisons in the latter named States are old, obsolete and unsanitary, having been constructed from thirty to fifty years ago.

The Southern States comprising North Carolina, South Carolina, Georgia, Mississippi, Alabama, Florida, and Louisiana, have no prisons maintained by the State, as the convicts are leased to contractors and employed by the State in the construction of macadamized highways.

After careful inquiry it was decided that certain prisons would be personally inspected whose construction was wholly modern, and in fact, considered as the best representative type of prison construction in the United States. The following prisons were visited:

Virginia State Prison at Richmond; Prison at Easton, Pennsylvania; District of Columbia Prison; New Jersey State Reformatory at Rahway, New Jersey; New Jersey State Prison at Trenton, New Jersey; Delaware State Prison at Wilmington, Delaware; Illinois State Prison at Joliet, Illinois; a detailed description of which is herewith given.

The buildings of the Virginia State Prison were originally designed by Thomas Jefferson in the year 1803, and consist of a main rectangular building five stories in height, surrounded by two equilateral wings constructed in the arc of a circle, similar to the ancient amphitheatres of Greece and Rome. The circular wings and main building are supported by a series of semicircular arches constructed of brick, four tiers or stories in height, and the entire structure so uniquely arranged that a spectator can stand at a common point and by slowly turning observe every cell in the building. The State constructed a modern cell house at a great expense, and apart from old buildings, 53 feet wide and 240 feet long, the walls being of concrete 50 feet in height, and in all containing 336 single cells in five tiers; the dimensions of cells being $5\frac{1}{2} \times 7\frac{1}{2} \times 8$ feet in height, corridors 12 feet wide. The doors of cells are operated by lever devices, locking or unlocking all doors with one movement of the lever, using in addition thereto, individual or dead-locks.

In this new building, which is considered one of the most modern in the United States, and constructed some two years ago, almost every modern prison device is used. The ventilation is regulated by a fan system known as the Sturtevant System, the air being forced from walls across corridors and into cells. Thermometers for the automatic regulation of temperature being placed at convenient intervals. Each cell has steel latticed bunk with white enameled toilet and lavatory, water for the same being supplied from automatic self-closing valve, Fenson Patent, Richmond, Va. All plumbing for cells, water works and sewerage can be inspected and repaired from utility corridor, which is located between the cell walls. The building is entirely fire-proof, roof composed of steel girders and trusses, and fire-proof roofing material, windows placed between roof girder spaces, sill of which is eight feet from floor line and extends to within a few feet of truss, opened and closed with crank and drum device.

One peculiar feature of this institution is the fact that no dining-room is used, as all prisoners are lined up for food in the old cell building, receiving same on tin plates and cups, and retire to cells for meals; no knives or forks are allowed convicts. Spoons only used for the service of food.

The number of prisoners enrolled in this institution is 1,335, of which 75 are females; eighty per cent of the total number being negroes. It is interesting to note that from 450 to 500 men of the better grades are constantly employed in the construction of macadamized highways throughout the State. The arrangement between the State and county being to the effect that the county supplies the material and the superintendence, the county issuing bonds for permanent road improvements, the State giving equivalent amount in labor. The employment of convicts on public highways does not interfere with union or free labor, and as a result the State has some fifteen hundred miles of fine macadamized and graded highways. Four hundred prisoners are employed in the manufacture of shoes, the State renting the labor to the company manufacturing same. As soon as present contract expires the State will abandon such employment and operate larger forces on the public roads.

The Bertillon system of metric measurement is used. Electric photographic apparatus, using the Cooper-Hewitt Mercury Vapor Lamp, which permits photographs being taken any time of the day or night. The prisoners are required to use the shower baths at least three times per week, forty separate showers and several hundred lockers are provided for this purpose in the basement of the new cell house.

The new county jail at Easton, Pennsylvania, has recently been completed at a cost of about one hundred and twenty thousand dollars, and is probably one of the most modern small structures of this character in the United States. The building is constructed of reinforced concrete 50 feet in height, 55 feet wide by 200 feet long, and contains 250 single cells 5x8x8 feet in height extending from the floor line to within 10 feet of roof truss. All modern devices of ventilation and sanitation are included within the building. Locking mechanism for opening or closing the cell doors are used in each cell tier, latticed steel bunks, white enameled toilets and lavatories are placed in each cell. The toilet is encased in a circular niche which extends back from the cell into utility corridor. The extension of 15 feet into utility corridor necessitates a wider corridor than in plans where toilets are placed inside of cells.

The additional cost for niche in each cell amounting to about thirty-five dollars, and possesses no individual merit other than slightly better ventilation for cells. All water and sewerage pipe are laid in utility corridor, easily accessible for repairs, and connections made to each individual cell.

Window frames in the building are placed at equal intervals between trusses, and equidistant therefrom; the sill of window is eight feet above floor line, and extends to roof truss, windows being opened and closed to permit of proper air circulation, and regulated by drum and crank device.

The District of Columbia Prison situated at Washington, D. C., is composed of several old buildings built fifty to sixty years ago, but contains one new cell-house which is of modern construction, contains 190 cells five tiers in height, there being nineteen cells to a cell row; the cell doors face the walls on either side as is the custom of modern prisons, and contains utility corridor five feet in width; dimensions of cells are 5x7x8 feet, cells containing steel latticed bunk, lavatory and toilet; toilet encased in semicircular niche which extends over utility corridor. Cell doors are locked and unlocked from a lock box at the end of cells; all the doors can be individually locked or opened at will. The utility corridor is connected with ventilators extending through the roof; all plumbing, sewerage, etc., are exposed in utility corridor and accessible so that repairs can readily be made. Self-closing valves are used in cells to operate lavatories and toilets.

One peculiar feature that is worthy of mention is that all cell doors are painted an Indian red metallic color, the balance of fronts painted a lightish gray. Guards employed in this building for the last three or four years claim that the red effect is not so injurious to the eyes of the guards as when both doors and cell fronts are painted one uniform color. The semicircular niche in cells is placed 14 inches above the floor line, having a width of 22 inches, depth of 18 inches and a height of 60 inches. These dimensions have been adopted and approved by medical authorities as being the proper height and dimensions for the location of toilets where the niche system is used. The upper cell tiers have a four-foot corridor or suspended walk constructed of concrete with metal rails and Bessemer steel gratings. The total number of prisoners in this institution is 565, of whom 242 are colored. An unusual feature of this institution is the use of hydro-therapeutic baths, which are used for alcoholic and morphine patients. The patients are placed in a bath-tub six feet long, their body suspended in a sheet of canvas but raised six to eight inches above bottom of bath-tub. The patient is strapped in the tub and flowing water is then turned in the tub at a temperature of one hundred degrees, the water flows continuously over patient for a period of two to twenty-four hours, according to the condition of the patient; he is then taken into the hot room, where he is steamed, then given needle and shower baths, after which he is thoroughly massaged. The treatment has proven very effective in the most violent cases of those addicted to alcohol and morphine habits. All the apparatus was installed at a cost of \$1,500 exclusive of boiler.

The Rahway State Reformatory is located at Rahway, New Jersey, and is constructed of pressed brick surrounded with a high wall. The general design, arrangement and plan are considered to be the most modern in the United States. The entrance to grounds is through an Administra-

tion Building containing the offices of warden, guards, Bertillon records, matron's quarters, etc. From the Administration Building there is an entrance extending to the main cell corridor from which radiating cell wings extend. Modern locking devices, however, have only been recently installed in three of the cell wings, and consist of 376 single cells, 47 cells to a tier; dimensions of cell being 5x7x8 feet. All modern features and methods of sanitation, ventilation, heating and lighting are employed in this particular cell wing. Utility corridor in the rear of all cells in which the water and sewerage pipes are exposed and readily accessible in case of repairs.

The grading system is used, there being 562 prisoners divided into three grades having uniforms corresponding to the different grades. All red uniforms, hat, coat and trousers, indicate bad or unruly prisoners; all blue uniforms indicate the second class or second grade; all blue uniforms with yellow cuffs on coat indicate the third or best grade of prisoners. One of the attractive features of this institution is the cleanly appearance of all the prisoners, as they are required to wash their hands and face and comb their hair before entering the dining-room. The bugle and drum corps assemble the prisoners from their various duties in the carpenter, plumbing, electrical and other shops, and all march in military order to dining-room, cells or recreation grounds. The prisoners are taught various branches of labor, such as practical carpenter, plumbing electrical working, printing, typesetting, etc., and when released from the institution rarely return for a second term. The buglers and drummers enlist in the army as a rule, and the balance following their acquired trades.

The most minute examination and inspection was made by the writer of the arrangements of the kitchen, dining-room, serving-room, store-house, cold-storage plant, butcher shop and bakery, and in a sense has embodied similar features for the design and arrangement of Nevada's Prison; description of which appears later in this report, as this institution can well be classed as a model and modern prison.

The State Penitentiary of New Jersey is located at Trenton, New Jersey, about a mile and a half southwesterly from the city limits of Trenton; the buildings composing the prison were built some five or six years ago at a cost of \$1,200,000, and is classed as one of the model prisons of the United States. The entrance is through the Administration Building to the main corridor from which six cell wings radiate. The main corridor building is capped by a dome whose inside height is 112 feet, and has the general appearance of a State Capitol building. The cell wings are constructed of brick, and contain stone, brick and steel cells. The brick and stone cells in Nos. 1, 2, 3, 4 and 5 are locked by individual keys, but in the new cell wing 350 steel cells have recently been installed five tiers in height, the cells being 5x7x7 feet in height, utility corridor, plumbing, sewerage and all other modern features, steel latticed bunk, lavatory and niche toilet with self-closing water valves.

Kitchen and dining-room are located some distance from the cell buildings, and the dining-room has a seating capacity of fifteen hundred. Bath-houses and wash-houses are conveniently located from the cell buildings, and contain 42 showers, 21 on each side of drain, with sufficient lockers. There are at the present time 1,385 prisoners confined, fifty per cent of which are negroes. The prisoners are employed

in shops erected on the ground, machinery furnished by contractors, and manufacture brushes, handkerchiefs, shoes, pants, mats, matting and brooms. Oppenheim & Co., of New York, have the contract for their labor. The contractor supplies all machinery and material, State reimbursing contractor for any material damaged or destroyed in manufacturing. The Warden stated that it was the intention of the State Board of Prison Commissioners to employ convicts on the construction and maintenance of state roads and public highways after the expiration of present contract.

The State Prison of Delaware is located about two miles outside the city limits of Wilmington; the buildings composing the above prison are constructed of brick and have no outside wall or fence, all prisoners being confined within the limits of the building, excepting those employed on quarry or public highway work. The entrance to building is through an Administration Building containing the Warden's office, Bertillon records, overseer's, matron's and visitor's cages. To Administration Building is attached two cell wings 130 feet long, east and west from sides of Administration Building, containing accommodations for five hundred prisoners. All modern improvements are used in cell wings, utility corridor for plumbing, 5x7x8 foot steel cells, steel latticed bunks, enameled toilets and lavatories with self-flushing valves.

The number imprisoned has varied from 341 on August 29, 1908, to 241 on January 19, 1909; 1869 prisoners being received into the institution and 1862 discharged. The shifting population being much greater than that taken care of in the various prisons, and is caused by the great number of short-term prisoners. All long-term prisoners are employed in the clothing department, where they manufacture shoes and clothes, in addition to cooking, bread-making, laundry work, care of buildings, painting, repairing, etc. Those serving long terms not being allowed outside of shops or prison buildings. The short-term prisoners are employed in the construction of macadamized highways and in quarry work; the amount of \$17,000 being received from quarry products. Using convict labor the State of Delaware constructed 2,500 feet of macadamized highway for the amount of \$1,800, or \$3,600 per mile, as an illustration to show cost of finest class of macadamized highway where material is somewhat expensive.

The dining-room in this institution deserves special mention from the fact that it is constructed of reinforced concrete; overhead beams, trusses and all material being of concrete; steam-heated and electric lighted. One interesting feature in this institution is the pillory and whipping post, which have recently been abandoned. Wife beaters were tied up to the whipping post and given so many lashes for this offense. The pillory was used for various infractions of rules of the prison.

The Federal Prison at Atlanta, Georgia, is probably one of the most modern and symmetrically arranged prisons in the United States. There is a high wall constructed of concrete 25 feet high which encloses the main buildings of the prison. The main entrance is through an Administration Building, and from thence into the new cell-house where 820 single cells are now under construction and five tiers in height; locking device for each tier of cells is operated by single lever, opening or closing one or all doors as desired. Every modern feature of ventilation and sanitation is employed in this building. The interior walls of new cell-house is lined with marble. Passing through Administration Building, new cell-house, then

through a covered entrance into the old cell-house which is constructed of brick containing 380 single cells with all modern improvements. The inside of buildings are finished with glazed brick. Immediately in back of old cell-house is the dining-hall connected with old cell-house by covered entrance about one hundred feet in length; dining-hall has a chapel above. Back of dining-hall is the kitchen and serving rooms; in rear of same is the cold storage and bakery houses, and some two hundred feet to the rear is located the power house, for lights, power and steam heating. All the buildings are symmetrically arranged. On the yard wall sentry boxes are placed at the corners.

Adjacent to the prison grounds is a large farm of some two hundred acres, where all products for the institution are raised by prisoners. The prisoners are employed at the present time in the construction of prison buildings and public highways, and after prison buildings are completed, it is the intention of the Government to employ them in the manufacture of shoes, clothing and general supplies for other federal institutions, probably the army and navy. The prisoners are not graded and have no distinctive ranks. The general arrangements of the proposed new prison for Nevada are somewhat similar to the federal institution at Atlanta.

The prisons and jails of New York City are old, unsanitary and overcrowded, and consist of the Tombs City Jail and the prison on Blackwell's Island. The Tombs was built some fifty years ago, and possesses no modern feature of construction. All cell doors being locked by individual keys, as locking device originally installed is inoperative. The population of the Tombs jail is transitory, fluctuating at the rate of several hundred prisoners per day. At least two hundred young boys between the ages of fifteen and twenty were confined in this jail for crimes varying from petty larceny to murder. We observed at least twenty boys wearing knee trousers, and not over the age of fifteen, who were among the inmates.

The Blackwell Island Prison was constructed some sixty years ago, and is located on a small island in East River. The new Queensboro Bridge has its middle pier almost at the gates at the entrance of Blackwell Prison. Alcoholic and morphine patients and petty offenders sentenced, serve their terms on the Island, as it is called, relieving the overcrowded conditions at the Tombs and city jails. The State of New York recently purchased about one hundred acres of land on the west side of East River, and some two miles above Blackwell's Island. This island is known as Riker's Island, and is land filled in and reclaimed by dredging. The amount of \$5,000,000 was appropriated for the purpose of building, probably, the most modern prison in the world. Competitive plans were submitted and after careful inspection, the commissioners awarded the contract for plans and specifications to Messrs. Trowbridge & Livingston, Architects, 527 Broadway, New York. As the adopted plans are not yet public property nor open to the inspection of the public, I was successful in securing a letter from Senator Newlands, requesting that I be shown the plans in detail by the architects. The general plans show a wharf that will be built out into East River, which will permit the landing of boats; an electric car operates from wharf to and through prison grounds, passing through the main entrance to grounds a distance of some three hundred feet from wharf.

The main entrance to prison and cell wings is through Administration

Building which connects with the long cell wings placed at right angles to each other. Two thousand single cells will eventually be constructed within concrete cell wings, size of cells will be $5 \times 7 \frac{1}{2} \times 8$ feet in height, with all modern features of sewerage, plumbing, ventilation and sanitation. Particular attention was given by the architects to the location of cell wings that they would get the maximum amount of light at all times during the day; the cell wings are therefore laid out at the 45° points of the compass, that is, northeast, southwest, northwest and southeast, in order to secure better lighting facilities, than had the building been located at the cardinal points of the compass. At the southern end of the Island is located the bath houses and bakery, the shops and hospital being on the west side. To the north is the warden's and women's section. Attached hereto is a photograph showing the general arrangements for prison buildings and architectural design, as the institution will probably be erected in the near future.

The State Penitentiary at Illinois is located at Joliet, Illinois, and is composed of solid cut-stone buildings. The entrance to the grounds, which are enclosed by a high stone wall, is through the Administration Building, where warden, matron and guards have their offices. On the east and west side of the Administration Building is located the cell wings, two in number, in which the 1,015 prisoners in this institution are confined. Each cell-house has fifty cells in each tier, four tiers in height, and two prisoners to a cell, the size of cell being $4 \times 7 \times 7$ feet, thus causing it to be badly over-crowded. The cells are locked by an antiquated locking device, and are not equipped with toilets or washstands; the bucket system for disposal of cell refuse is used. The buildings were originally erected some 40 years ago and but slight additions have been made to the present date. The dining-hall is located immediately back of the Administration Building, and adjacent thereto is the cold storage, storehouses, electrical plant and bakery. Steam kettles are used for the cooking of food, manufactured by the Illinois Pure Aluminum Company, Lemont, Ill., and have given excellent service in the cooking of meats and vegetables. A rotary bake oven, manufactured by A. J. Fish & Co. of Chicago, is used for the baking of cakes, pies and bread, and possesses several features that are worthy of note. Eighteen hundred pounds of beef, mutton and pork are daily consumed by the prisoners. The prisoners are divided into three grades at Joliet. Entering as second-grade, prisoners wear bluish-gray uniforms; third-grade, or unruly prisoners, wear stripes; first-grade prisoners wear gray uniforms with red button on lapel of coat, as a badge of good behavior.

Unruly prisoners are punished by being placed in the dungeon and handcuffed through double doors; ball and chain are also used. Music is furnished on Sundays for entertainments by the prison orchestra, composed of thirty musicians of considerable talent. Chapel service attendance is optional with prisoners, about 60 per cent attending services on Sundays. Several years ago the inmates of Joliet were employed in the manufacture of boots, shoes, mats, matting, and clothing. The Board of Prison Commissioners of Illinois having abandoned such employment, convicts are now employed continuously in the limestone quarries, located a distance of about a thousand feet from the prison grounds, where nine hundred men are employed in the quarrying of limestone.

During the year 1909, there has been one hundred and fifty thousand tons of rock removed from quarry and loaded by conveyers to rock crush-

ers, where it is crushed into small cubes, whose greatest diameter does not exceed two inches, then by conveyer is carried into bins where it is stored and kept for state use. On July 1st, the prison had 70,000 cubic yards on hand for quarry use. The State of Illinois has a Good Roads Commission, consisting of State Engineer as Chairman, State Treasurer and Secretary of State as the other two members of the Commission. The County Commissioners of the various counties apply to the Good Roads Commission for permission to contract with the State for the furnishing of material for macadamizing purposes. The Commissioners send engineer to estimate the amount of rock required, and upon his report the yardage of crushed rock required for this purpose is loaded by conveyers onto cars, then forwarded to the various counties of the State as required. The county pays cost of transportation of material. Special rates are granted the State by the various railroads. County contracts the work, using free labor.

RECOMMENDATIONS

As a result of the investigations of Attorney-General Stoddard and myself on the modern prisons of the United States, I have prepared complete plans and details of the proposed prison arrangement for the State of Nevada which are herewith submitted for the approval and recommendation of your honorable Board. A brief description is as follows:

Walls

The prison buildings are enclosed within a rectangular concrete wall twenty-five feet high, six hundred and thirty-six feet in width and eight hundred feet long. The width of coping at top will be 42 inches, tapering thence to intersection of battered wall which will be 30 inches in width at top with batter of one inch to one foot to base. Octagonal sentry boxes are constructed at the four corners with suitable windows and entrance doors. A two line handrail of 2-inch standard black pipe is set in the coping of said wall and is constructed to a height of 2 feet 7 inches above top of coping; handrail extends the full length and width of the wall.

Administration Building

Administration Building is placed midway the width of rectangle, or 318 feet from the corners to center of building and is of the Mission style of architecture, two stories in height, $66\frac{1}{2}$ feet wide by $77\frac{1}{2}$ feet in length. First floor is conveniently arranged for warden, bookkeeper, captain of the guards, guard-rooms, ante room, Bertillon system, armory, toilet and vault. The second floor plan provides for the guards' dining-room, kitchen, pantry and closet, guards' dormitory and passage ways direct to guards' wall, barber-shop and guards' recreation-room. Building is constructed entirely of concrete and I beams, which are used for floor and ceiling joists, red tile roofing. Passing through the administration building and through a covered hallway 14 feet wide, a distance of 40 feet, the entrance to the chapel and women's cell-house is located.

Chapel and Women's Cell-House

The chapel and women's cell-house are placed at an equal distance right and left from the main hallway, and are buildings 40 feet wide, and 100 feet in length, both being the same design. The chapel contains a library on each side of entrance, and has a seating capacity of five hun-

dred. Dressing rooms and rostrum are at the extreme end of the building. Steps are provided at the entrance so that women inmates may attend services and be concealed from view by occupying the overhanging balcony located over the libraries.

The women's cell-house is 40x100 feet in length, and on the right-hand side of main hallway and the same distance therefrom as chapel building, contains matron's office, private office and two bath-rooms with showers; thirty-two single cells 5x7½x8 feet in two tiers, back of which there is kitchen, pantry and women's dining-room, which is separated from cells by a partition. On the second floor the women's hospital is located. Both the above buildings are constructed of concrete, wooden roof trusses with red tile ornamental roofing. Continuing thence along main hallway a distance of 64 feet is situated the entrance to the guards' room rotunda.

Guards' Room and Radiating Corridor Building

The building from which cell wings radiate is octagonal in shape, having a total width of 66 feet, and is so arranged that cell-houses A, B, C, and D radiate therefrom at the 45° and 90° sides of octagon. The building is constructed of concrete, the center portion of which extends to a total height of 50 feet above floor line which permits of an electric searchlight and machine gun being placed on the roof, and which will command an unobstructed view of every part of the yard. Steel trusses are used together with Oregon pine for joists. Lower roof is composed of red tiling, upper roof of concrete. Within the center of radiating corridor is located the guards' room, which permits the operation of six levers, opening, locking and unlocking the six doors connecting with radiating corridor. The guards' rooms are enclosed in Bessemer steel grating, and allows of free passage-way of 18 feet between guards' rooms and cell-houses.

Cell-Houses

The dimensions of cell-houses are 38 feet wide, 124 feet long, and 24 feet, 6 inches in height, and contain eighty single cells 5x7½x8 feet, two tiers in height, nine-foot corridors, twelve windows with ventilators, utility corridor, and every modern improvement that is in use in eastern prisons. Roof is supported by six Oregon pine roof trusses; red tile roof. The cell-houses are so arranged that future extensions may be made and still preserve the symmetrical proportions of the building. Particular attention and study has been given to the lighting of cell-houses, as the windows extend from a point eight feet above surface of floor to bottom of roof truss.

Steward's Department

Sixty-eight feet in the rear of radiating corridor is located the steward's department, containing dining-hall, service-room, kitchen, bakery, provision and storage-room, cold-storage plant and butcher shop. Buildings are 80 feet in width by a total length of 128 feet, constructed of concrete walls; building lighted by many windows and ventilators, cement floorings and divided into three compartments for graded prisoners; compartments formed by a wooden partition 8 feet in height. One guard's balcony overlooks the entire dining-room, entrance being from main hallway. Adjacent to dining-hall is serving-room 48 feet long by 10 feet in width, in rear of which is the main kitchen, 30 feet in width by 48 feet long, containing steam coffee kettles and steam cookers which are

set into the center of floors, steam connections being made by underground concrete conduits, so that service can be had from all sides of cookers and coffee boilers. A large range is located some 12 feet in rear of coffee boilers; range is covered by a large sheet-iron hood to carry off cooking odors and steam. In rear of kitchen is located a bakery 24 feet wide by 24 feet long, and contains two brick rotating ovens; adjacent to bakery is located the provision and storage room, the butcher shop and cold-storage plant, all rooms being easily accessible and convenient to kitchen. The building contains 48 windows in all, constructed entirely of concrete, and Oregon pine trusses painted with fire-proof painting. Roof is laid in ornamental red tiling.

Mens' Hospital

This building is located 40 feet from the intersection of sides and end guard walls. Dimensions, 32 feet by 88 feet in length, 18 feet in height, constructed of concrete, Oregon pine roof trusses and ornamental tile roofing, and contains a doctor's office, operating room, nurses' room, two mens' wards, closets and bathrooms.

Laundry

This building is located 40 feet from the intersection of sides and end walls, same distance, same relative location as mens' hospital; same dimensions, same design, and contains a sorting room, ironing room, drying room, washing machines, boilers, etc.

Bath-House

The bath-house is located a distance of 160 feet from main hallway and 80 feet from right hand side of guards' wall. This building is 32x64 feet, constructed of concrete, wooden roof trusses with ornamental red tiling, and contains 40 shower baths with cesspool drain at center of cement floors. Lockers are provided at entrance of building for change of clothing.

Execution Building

The execution building is situated same distance from wall and main hallway as bath-house, but on opposite, or left-hand, side. Dimensions, 32x64 feet, and contains death cell, two steel-lined dungeons, trap and execution chamber. Building constructed of concrete, 13 feet in height, wooden roof truss and ornamental red brick tiling.

Steel Cells

The steel cell-houses A, B, C, and D contain in all 320 single steel cells 5x8x8 feet, 80 cells in each cell-building, 2 tiers in height, or 20 cells in one row, all to be locked or unlocked by a mechanical device which will permit the locking or unlocking of a single door or all 20 doors, as required. The flooring of cells is of cement and each cell contains individual toilet and washstand, with latticed steel bunks which can be raised and lowered from sides of cells; the sides, back and roof of cells constructed of sheet steel securely riveted together and painted a light cream-gray color. In front of cells are Bessemer steel gratings which extend from floor to locking device box. All plumbing connections from cells are connected in a utility corridor in rear of cells which is 3 feet 6 inches in width and contains all water and sewerage connections exposed and accessible so that repairs can be made at any time. Connected with utility corridor are three star ventilators which extend

through the roof and permit the foul gases to escape through the roof. In front of second tier of cells is a cement platform 3 feet 6 inches in width with steel handrails 4 feet high in front of same. All cells on lower and upper tiers have concrete floors and so arranged that they can be thoroughly washed with hose and drained into convenient gutters provided for the purpose. A 16-candle electric light is placed in front of every cell. A switch board is located at forward end of cell-house.

Particular attention was given to the study of ventilation of cell-houses, and I find that in the modern prisons of the United States the sills of windows are located about 7 feet 8 inches from the top of the floor and extend within a short distance of bottom of roof truss; therefore I have embodied this feature in the cell-houses of the Nevada Prison. It is proposed to regulate the supply of fresh air by opening and closing windows with a mechanical device operated by crank, and by this means obtaining an even temperature upon both upper and lower tiers of cells.

Steam Heating

It is recommended that direct low-pressure steam heat be employed to heat all buildings of the prison, and radiators placed at convenient points for this purpose. It is further recommended that a separate building be constructed for the installation of proper boilers for the generation of steam heat and conducted from boiler-house by pipes in conduits to points of use. Steam mains to be laid to kitchen, supplying steam cookers and coffee boilers.

Water Supply

It is recommended that a complete water works system be installed connecting all prison buildings with water pipes for domestic and fire service, and if it is not possible to connect with the present state water supply, it will then be necessary to install pumps, operated either by steam or electricity, and at least 250,000-gallon capacity redwood stave water tanks raised to such a height as will give the proper pressure for domestic and fire uses.

In conclusion, I respectfully recommend and suggest that prison labor be employed in the construction of the foregoing buildings, and where-ever possible to use such labor for the purpose of breaking rock for concrete purposes, mixing concrete and placing the same into moulds, and furthermore, that the board take immediate steps towards the letting of contracts for the steel cells and steel work and locking devices, for the reason that at the present time the price of steel work is now reasonably low, and in view of the probable market rise of such commodity in the near future, it will save the State many thousands of dollars if action is taken within reasonable time.

Respectfully submitted,

FRANK R. NICHOLAS, *State Engineer.*

APPLICATIONS FOR PATENTS TO LANDS

Pursuant to the Act of February 26, 1907, this office has abstracted, recorded and instituted inquiries in the following number of cases in the U. S. Land Office:

Homestead entries	124
Desert lands	16
Total	140

Steam Heating

It is recommended that first class pressure steam heat be supplied to all buildings of the prison and buildings placed at convenient points for this purpose. It is further recommended that a system building be constructed for the installation of proper boilers for the generation of steam heat and connected from boiler house to pipes in corridors to points of use. It is also to be had in kitchen, supply room, closets and water closets.

Water Supply

It is recommended that a complete water system be installed connecting all prison buildings with water pipes for domestic and fire water and that it be possible to connect with the present water system. It will then be necessary to install proper separated piping for the kitchen, and to have a separate water supply for the laundry and the house. It is also recommended that a complete steam heating system be installed in all buildings of the prison and buildings placed at convenient points for this purpose. It is further recommended that a system building be constructed for the installation of proper boilers for the generation of steam heat and connected from boiler house to pipes in corridors to points of use. It is also to be had in kitchen, supply room, closets and water closets.

DISTRICT ATTORNEYS' REPORTS

REPORTS OF DISTRICT ATTORNEYS 1909-1910

CLARK COUNTY

LAS VEGAS, December 1, 1910.

To the Honorable the Attorney-General.

As District Attorney of Clark County I beg leave to report: That for the year ending November 1, 1910, the following-named persons were indicted by the grand jury of Clark County and for the crimes set forth:

Henry Willard for burglary; Albert Martony for forgery; Joseph Goldie for false pretenses; Holmes L. Warren for assault with intent to kill; Jose Hererra for murder; Fred Johnson for forgery; Thomas G. Karrigan for forgery.

That the first three named escaped jail before being arraigned and are still at large.

That Holmes L. Warren pleaded guilty and was sentenced to one year in the penitentiary.

That for lack of evidence the charge against Jose Hererra was dismissed and the accused discharged.

That Fred Johnson pleaded guilty and was sentenced to one year in the penitentiary.

That Thomas G. Karrigan broke jail while the court was in session, last term, was recaptured and is now in jail.

That no trial of any one charged with crime has been had within the time named, and hence the cost has been nothing beyond the cost of the grand jury and the witnesses.

There have been no fines paid.

Respectfully,

W. R. THOMAS, *District Attorney.*

CHURCHILL COUNTY

FALLON, November 28, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1910.

Number and character of prosecutions: Two burglaries, one grand larceny, seven misdemeanors.

Number of persons convicted, and character of punishment: George Hanlon, burglary, 2 years in State Prison.

H. Victor Evans, grand larceny, 1 year in State Prison.

Misdemeanors: One assault and battery, fine \$20, fine paid; 2, beating board bills, 12 days in county jail; 1, carrying concealed weapons, 15 days in county jail; 1, petit larceny, 90 days in county jail; 1, violating game laws, fine \$25, fine paid.

Number of persons acquitted, or as to whom prosecutions were abated or dismissed: One, misdemeanor, acquitted; 1, burglary, dismissed.

Number of prosecutions pending November 1, 1910: One, passing fictitious checks, 3, burglary, 3, grand larceny.

Cost of prosecutions, \$783.45.

Amount of fines paid, \$45.

Respectfully, W. C. GRIMES, *District Attorney.*

ELKO COUNTY

ELKO, November 22, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of criminal business transacted in this county for the year ending November 1, 1910.

Misdemeanors—Total number of convictions, 245; total number of acquittals and dismissals, 186; total number of prosecutions, 413.

Felonies—Number of preliminary examinations held, 17; number of defendants indicted (some of these cases having been brought before the grand jury without preliminary examinations) 15; number of defendants acquitted on trial, 2; number of defendants discharged on motion of District Attorney, 8; number of defendants discharged at preliminary hearings, 5; number of defendants convicted, 6; number of prosecutions pending, 6.

Punishment: One sentence of eight years for grand larceny; one sentence of one year for burglary; four sentences of one year each for forgery.

Minimum sentence (forgery), 1 year; maximum sentence (grand larceny), eight years; average sentence, two and one-sixth years.

Defendants convicted of the following felonies: Grand larceny, 1; burglary, 1; forgery, 4.

Fines collected, \$678.95.

Cost of prosecutions, including fees of grand and trial jurors of District Court, \$6,235.75.

Respectfully,

E. J. L. TABER, *District Attorney.*

ESMERALDA COUNTY

GOLDFIELD, December 20, 1910.

To the Honorable the Attorney-General.

DEAR SIR: The following is a list of the criminal cases prosecuted in the District Court of Esmeralda County during the year 1910, and the result of the prosecution:

State v. L. H. Dresser: Indictment for grand larceny. Jury disagreed May 24th; case dismissed by the District Attorney.

State v. Madison Hicks: Indictment for grand larceny. May 16th, dismissed on motion of District Attorney.

State v. S. P. Grimmitt: Indictment for murder. Verdict, voluntary manslaughter, rendered May 29th. Six years in State Prison.

State v. Lon Peters: Indictment for assault with a deadly weapon. May 1st, arraigned, pleaded guilty to assault and battery and sentenced to 90 days in county jail.

State v. Domingo Raeatune and Pierre Iribarne: Indictment (together) for grand larceny. April 20th, verdict of guilty. Sentenced to one year in State Prison.

State v. Bart Knight: Indictment for grand larceny. December 6th, dismissed on motion of District Attorney.

State v. M. J. Smith: Indictment for grand larceny. June 8th, verdict of guilty as charged. Sentenced to 3 years in State Prison.

State v. Jake Hildebrandt: Indictment for grand larceny. December 6th, dismissed on motion of District Attorney.

State v. Martin Miller: Indictment for grand larceny. March 1st, dismissed on motion of District Attorney.

State v. Fred Meginness: Indictment for grand larceny. Pending.

State v. Abe Summerfield: Indictment for breaking out of jail. June 1st, pleaded guilty. June 2d, sentenced to 1 year and 3 months in State Prison.

State v. John Antonini: Indictment for murder. December 3d, verdict of murder in second degree. December 9th, sentenced to State Prison for 25 years.

State v. George Gibson: Indictment for assault with intent to kill. December 7th, jury disagreed. Second trial December 12th. December 13th, verdict of guilty of assault with intent to kill. December 13th, sentenced to 14 years in State Prison.

State v. David Edward Roach: Indictment for assault with intent to kill. November 28th, plead guilty, sentenced to 3 years in State Prison.

State v. Jennie Enright: Indictment for grand larceny. December 8th, case dismissed on motion of District Attorney.

State v. W. A. Flowers: Indictment for murder. Pending.

State v. Daniel Worth: Indictment for embezzlement. Pending.

State v. Henry Weber: Indictment for embezzlement. March 2d, second trial. March 16th, jury disagreed. December 7th, dismissed on motion of District Attorney. The two other indictments against Henry Weber on same charge were dismissed by District Attorney on the same date.

State v. Thomas B. Rickey: Indictment for embezzlement. December 7th, dismissed on motion of District Attorney. Second case against Rickey on the same charge was dismissed by the District Attorney on the same date.

State v. Volney B. Leonard: Indictment for embezzlement. December 7th, case dismissed by District Attorney. Another indictment against Volney B. Leonard on the same charge was dismissed by the District Attorney on the same date.

The statement of facts in all cases in which the evidence was transcribed is in the hands of the Clerk of the Supreme Court on appeal matters. It is impossible to give anything like an accurate statement of facts in the other cases.

The total approximate cost of all criminal prosecutions in the District Court, so far as the same can be estimated at this time, is \$12,000.

Respectfully,

AUGUSTUS TILDEN, *District Attorney.*

By GEORGE SPRINGMEYER, *Deputy District Attorney.*

DOUGLAS COUNTY

GENOA, November 30, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the business transacted in this county during the year ending November 1, 1910.

Number and character of prosecutions: One murder case, 1 rape case, 1 case of assault with a deadly weapon, 3 cases of furnishing whiskey to an Indian, 4 cases of vagrancy, 1 case of threats to do bodily harm, 1 case of petit larceny, 30 cases of disturbing the peace, 1 case of cruelty to animals, and 1 case of grand larceny.

Number of persons convicted and character of punishment: In the rape case, defendant convicted of assault with intent to commit rape, and sentenced to 14 years in State Prison.

In the three cases of furnishing whiskey to an Indian, there was a conviction in each case, and the defendant in one case got 2 years in the State Prison; in the other two cases the defendants each received a sentence of 14 months in the State Prison.

In the petit larceny case the defendant was convicted and sentenced to 6 months in the branch county jail at Gardnerville.

In the case of cruelty to animals the defendant was convicted and fined \$5 and costs of suit. Paid.

In the four vagrancy cases one defendant was discharged and the other three defendants were severally convicted and punished as follows: One was sentenced to the county jail for 15 days. Another was fined \$30 or 30 days in the county jail; in default of payment of the fine he was committed to jail and after remaining in jail 4 days a friend took him out by paying \$26, the balance due on fine; and the third defendant, in default of payment of fine of \$30 which had been imposed on him, was committed to county jail and after remaining there 14 days was taken out by a friend, who paid balance of fine of \$16.

In the 30 cases of disturbing the peace there were 26 convictions and the punishment was as follows: In 1 case, 7 days in county jail; in 2 other cases, 10 days in county jail for each; in 6 other cases, 10 days in branch county jail; 4 others were sentenced to the county jail, one for 18 days, one for 15 days, one for 20 days, and the other for 9 days; 7 defendants were fined \$2 each and costs, and all paid; 3 defendants were fined \$5 each and costs of suit, and all paid; one defendant was sentenced to pay a fine of \$5 and costs of suit; he served 9 days in jail and paid \$4 fine; another defendant was sentenced to pay a fine of \$10 or 10 days in jail; he paid the \$10 fine; 2 defendants were discharged and 2 were given floaters, *i. e.*, were given heavy fines and then allowed to skip the town.

Number of persons acquitted, or as to whom prosecutions were abated or dismissed: The number of persons coming under this heading is 9.

Number of prosecutions pending, none.

Cost of prosecutions, \$3,808.85.

Amount of fines paid, \$92.

Respectfully,

FRANK BROCKLISS, *District Attorney.*

EUREKA COUNTY

EUREKA, December 1, 1910.

To the Honorable the Attorney-General.

Pursuant to law I herewith submit the annual report of the criminal business transacted in this county during the year ending November 1, 1910:

Number of prosecutions: Indictments pending, 15.

Character of prosecutions: In all the foregoing indictments the crime alleged was against a director of a banking corporation who assented to the deposit of money in the bank, when the said director knew the said bank to be insolvent.

All the said indictments are pending. Proceedings thereon are suspended, pending a decision by the Supreme Court in *habeas corpus* proceedings.

Number of persons convicted: None.

Number of prosecutions pending at the end of time covered by report: Above 15 indictments.

Number of persons indicted as to whom prosecutions were abated or dismissed: None.

Costs of the said foregoing prosecutions to the county: Unascertained.

Amount of fines paid therein: None.

Respectfully submitted,

THOMAS J. McPAULIN, *District Attorney.*

HUMBOLDT COUNTY

WINNEMUCCA, December 21, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1910.

JUSTICE COURT PROSECUTIONS—CHARACTER AND NUMBER

Lake Township—Various misdemeanors, 155; felonies, 7.

Gold Run Township—Various misdemeanors, 111; felonies, 1.

Union Township—Various misdemeanors, 114; felonies, 11.

Mazuma Township—Various misdemeanors, 5; felonies, 3.

Humboldt Township—Various misdemeanors, 19.

National Township—Various misdemeanors, 2.

Paradise Township—Various misdemeanors, 2.

Chafey Township—Various misdemeanors, 4; felonies, 2.

Rebel Creek Township—Various misdemeanors, 1.

Cost of the foregoing, \$2,862.60.

Amount of fines paid, \$1,929.40.

IN THE DISTRICT COURT

Number and character of prosecutions: Murder, 3; assault with intent to kill, 3; assault with a deadly weapon with intent to inflict a bodily injury, 2; forgery, 5; check felony, 1; embezzlement, 1; false pretenses, 1; exhibiting a deadly weapon, 1; burglary, 2.

Number of persons convicted, 16. Acquitted 3. Dismissed, 2.

Average punishment on conviction, 1.7 years, besides 3 life sentences.
 Number of persons whose cases were ignored by grand jury, 2.
 Number of prosecutions pending, 11.
 Cost of prosecutions in District Court \$14,546.96.

Respectfully,

EDW. A. DUCKER, *District Attorney.*

LANDER COUNTY

AUSTIN, November 1, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in Lander County during the year ending November 1, 1910.

Number and character of prosecutions: Misdemeanor—Assault and battery, 4; disturbing the peace, 48; discharging firearms, 1; drawing deadly weapon, 1; obtaining property by false pretense, 4; defrauding hotel and restaurant, 6; security to keep the peace, 5; petit larceny, 2; running a dance house without license, 1; vagrancy, 9; malicious mischief, 1.

Total number of prosecutions for misdemeanors, 82.

Total number of convictions for misdemeanors, 61.

Total number of acquittals for misdemeanors, 18.

Number of cases pending in Justices' Courts for misdemeanors, 5.

Felonies—Preliminary examinations had in Justices' Courts: Arson, 1; defendant discharged by the court. Assault with intent, 1; held to appear before the grand jury. Shipping horses out of the State without inspection, 1; discharged. Grand larceny, 3; two defendants discharged by the court and one held to answer before the grand jury.

Total number of preliminary examinations before Justices' Courts, 5; number held to answer before the grand jury, 2.

District Court: Number of indictments found, 2; number of indictments held over, 1; number of defendants convicted, 1; number of defendants acquitted, 1; number of felonies investigated by the grand jury and for which they failed to find indictments, 4; number of cases dismissed on motion of the District Attorney, 1; number of indictments pending, 1.

Fines collected, \$314.

Cost of prosecutions, including fees of grand and trial jurors, fees of attorneys, Justices, Constables, and witnesses, \$3,240. This statement may not be mathematically correct, as some allowances for witnesses and Constable fees may not be included herein, but the amount stated is very nearly correct.

Respectfully submitted.

D. A. PATE, *District Attorney.*

LINCOLN COUNTY

PIOCHE, November 1, 1910.

To the Honorable the Attorney-General.

SIR: I hereby submit my report as District Attorney of the County of Lincoln, State of Nevada, for the year ending November 1, 1910, as follows:

Character and number of prosecutions: Murder, 2; embezzlement, 1; first degree burglary, 1; jail breaking, 1; violating election laws, 1; burglary, 3. Total number of prosecutions, 9.

Number of persons convicted, 1.

Average punishment on conviction, \$554.60 fine.

Number of persons acquitted, 3.

Number of persons as to whom prosecutions were abated or dismissed, 2.

Number of prosecutions pending at the end of time covered by this report, 3.

Cost of foregoing prosecutions to the County of Lincoln, \$3,798.65.

Amount of fines paid therein, \$554.60.

Respectfully submitted,

JOHN M. BREEZE, *District Attorney.*

LYON COUNTY

DAYTON, December 1, 1910.

To the Honorable the Attorney-General:

DEAR SIR: Pursuant to law, I herewith submit my annual report of the criminal business transacted in Lyon County, during the year ending November 1, 1910.

Number and character of prosecutions: Assault, 1 (acquitted); disturbing the peace, 1 (convicted); assault and battery, 1 (convicted); petty larceny, 1 (acquitted); embezzlement, less than \$50, 1 (acquitted); selling fish out of season, 2 (convicted, 2); wife beating, 1 (convicted, but sentence not executed).

Preliminary examinations before the Justice's Courts: Murder, 1 (held to grand jury, and ignored); assault with intent to kill, 2 (dismissed, 2); mayhem, 1 (held to grand jury and indicted); burglary in the second degree, 1 (held to the grand jury and indicted); vandalism on a railroad, 1 (held to grand jury and indicted); grand larceny, 1 (dismissed).

Presented in the District Court: Cosmo Etchevarria was indicted by the grand jury for burglary in the second degree, and was tried and convicted, and sentenced to a term of 5 years in the penitentiary.

August Richard and Wilhelm Richard were jointly indicted by the grand jury for mayhem, were tried and acquitted.

Harry Hontz was indicted by the grand jury for destroying the block signal system of the Southern Pacific Co., entered a plea of guilty, and was sentenced to serve a term of one year in the penitentiary.

Costs, \$3,827.95.

Fines collected, \$50.

Respectfully,

C. H. MILLER, *District Attorney.*

NYE COUNTY

TONOPAH, December 21, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1910:

CHARACTER AND NUMBER OF PROSECUTIONS

Felony charges in the District Court, 8; misdemeanors in Justice Court, 469; cases tried in District Court, 5.

NUMBER OF PERSONS CONVICTED AND CHARACTER OF PUNISHMENTS

Convictions in District Court, 3, three murder cases.

Punishments: One sentence of hanging, one sentence of fifty years' imprisonment, one sentence of twenty years.

Four cases on appeal from Justice Court to District Court for carrying concealed weapons. Convicted.

In the Justice Court, 346 convictions, punishments ranging from one day to six months' imprisonment in the county jail and fines ranging from \$1 to \$360.

Number of persons acquitted or as to whom prosecutions were abated or dismissed: Dismissed on motion of the District Attorney in the District Court, 1. One accusation of the grand jury for malfeasance in office.

Acquitted on trial in the District Court: One case of arson, one accusation of the grand jury for malfeasance in office.

In the Justice Courts, cases in which there were dismissals, acquittals or failure to obtain processes on persons, 122.

Number of prosecutions pending in the District Court, 4. Amount of fines paid, \$1,504.75.

Respectfully submitted,

CLEVE. H. BAKER, *District Attorney.*

ORMSBY COUNTY

CARSON CITY, December 1, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1910:

Number and character of prosecutions: Felonies, three; misdemeanors, six.

Number of persons convicted, and character of punishment: Felonies, two; each 18 months' imprisonment at State Prison. Misdemeanors, five; four sentenced to jail and one fined.

Number of persons acquitted, or as to whom prosecutions were abated or dismissed: Felonies, one dismissed. Misdemeanors, one dismissed.

Number of prosecutions pending: None.

Cost of prosecutions, nothing.

Amount of fines paid, \$25.

Respectfully,

GEORGE L. SANFORD, *District Attorney.*

STOREY COUNTY

VIRGINIA CITY, November 29, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report on the criminal business transacted in this county during the year ending November 1, 1910:

NUMBER OF PERSONS CONVICTED AND CHARACTER OF PUNISHMENT

1. December 16, 1909, William Thomas, vagrancy. Sentenced to imprisonment in the county jail for a period of 60 days.
2. January 7, 1910, Louis Otten, assault. Dismissed.
3. February 11, 1910, Ralph Johnson, indicted by the grand jury for the crime of assault with intent to kill. Charge reduced to assault and battery. Defendant fined \$750, or to serve sentence in the Storey County jail, at the rate of \$2 for each day of said fine.
4. March 12, 1910, Matt Kelly, vagrancy. Guilty. Sentence suspended.
5. March 26, 1910, Thomas Lessig, cheating and defrauding an inn-keeper and boarding-house. Guilty. Fined \$20. Paid.
6. April 6, 1910, Frank Duffy, vagrancy. Guilty. Sentenced to 30 days in jail.
7. April 27, 1910, Charles Goodman, vagrancy. Guilty. Sentence suspended.
8. May 5, 1910, William Thirwell, cheating and defrauding an inn-keeper and boarding-house proprietor. Guilty. Fined \$180, or 90 days in jail.
9. May 6, 1910, A. G. Young, vagrancy. Guilty. Sentence suspended.
10. May 13, 1910, Emma Vandewater, guilty of the charge of vagrancy. Sentenced to 10 days in jail.
11. May 27, 1910, William Kennell, obtaining money under false pretenses and misrepresentations. Dismissed on account of insufficiency of evidence to secure a conviction.
12. May 28, 1910, Clarence F. Short, assault and battery. Guilty. Fined \$10, or five days imprisonment in jail. Fine paid.
13. June 14, 1910, John Daley, cheating and defrauding a boarding-house proprietor. Jury trial demanded. Acquitted.
14. October 17, 1910, Jerry Harrington, vagrancy. Sentenced after being found guilty; suspended.

CASES VIOLATING CITY ORDINANCES

1. December 7, 1909, William Gates, drunkenness on public streets. Guilty. Fined \$10, or five days in jail.
2. December 17, 1909, P. Cahill, drunkenness. Guilty. Fined \$6, or three days in jail.
3. December 18, 1909, J. Kelly, drunkenness in public place. Guilty. Fined \$20, or imprisonment in jail for ten days.
4. January 13, 1910, John Alfrick, drunkenness. Sentence suspended.
5. February 14, 1910, James Fell, drunkenness in public places. Found guilty. Sentence suspended.
6. February 19, 1910, Harry Jack (Indian), drunkenness in public places. Found guilty. Fined \$10, or five days in jail.

7. March 8, 1910, George Craze, noisy and disorderly conduct. Case dismissed.
8. March 8, 1910, E. E. Lamerton, noisy and disorderly conduct. Case dismissed.
9. March 11, 1910, Charles Neilson, drunkenness in a public place. Guilty. Fined \$5, or two and one-half days in jail.
10. March 15, 1910, James Rheim, drunkenness in a public place. Guilty. Fined \$10, or five days in jail.
11. March 16, 1910, Emma Vandemark, drunkenness in public places. Guilty. Fined \$10, or five days in jail.
12. March 16, 1910, Addie Hanson, drunkenness in public places. Found guilty. Fined \$10, or five days in jail.
13. March 21, 1910, John Kearns, drunk and disorderly. Found guilty. Sentence suspended.
14. April 1, 1910, John Kearns, drunk and disorderly. Found guilty. Sentence suspended.
15. April 6, 1910, William Thomas, drunkenness. Guilty. Fined \$20, or 10 days in jail.
16. April 6, 1910, Della Gilbert, being in public saloon after prohibited hours. Guilty. Fined \$10, or 5 days in jail.
17. April 6, 1910, William Erwin, drunk and disorderly conduct. Found guilty. Fined \$10, or 5 days in jail. Fine paid.
18. April 20, 1910, Marie Durond, indecent exposure. Found guilty. Fined \$10, or five days in jail. Fine paid.
19. April 22, 1910, Harry Jack (Indian), drunk and disorderly conduct. Guilty. Fined \$120, or 60 days in jail.
20. April 22, 1910, Frank Jack, drunk and disorderly conduct. Found guilty. Fined \$60, or 30 days in jail.
21. April 22, 1910, Mike Clifford, drunk and disorderly conduct. Guilty. Fined \$60, or 30 days in jail.
22. April 25, 1910, Bert Blauvelt, drunk and disorderly conduct. Guilty. Fined \$30, or 15 days in jail.
23. April 30, 1910, Taylor Lowe, drunkenness in public places. Fined \$50, or 25 days in jail.
24. May 2, 1910, Tom Conner, drunkenness. Sentence suspended.
25. May 7, 1910, Ferd Van Hewitt, drunk and disorderly conduct. Guilty. Sentence suspended.
26. May 9, 1910, Richard Fox, noisy and disorderly conduct. Guilty. Fined \$120, or 60 days in jail.
27. May 27, 1910, John Kearns, drunkenness in public places. Guilty. Fined \$20 or 10 days in jail.
28. June 8, 1910, Russell Douglass, drunkenness in public places. Guilty. Sentence suspended.
29. June 14, 1910, James Rheim, drunkenness in public places. Guilty. Sentence suspended.
30. June 30, 1910, Charles Juleff, drunkenness in public places. Sentence suspended after being found guilty.
31. July 7, 1910, Billy Withorn, drunkenness in public places. Guilty. Fined \$40, or 20 days in jail.
32. July 7, 1910, Harry Jack, drunkenness in public places. Guilty. Fined \$80, or 40 days in jail.
33. July 7, 1910, Indian Tom, drunkenness in public places. Guilty. Fined \$40, or 20 days in jail.

34. July 31, 1910, John Kearns, drunkenness. Dismissed.
35. August 2, 1910, Jack Wiley, drunk, and disorderly conduct. Guilty. Fined \$15, or 7½ days in jail. Fine paid.
36. August 11, 1910, Jim Fell, drunkenness. Guilty. Sentence suspended.
37. August 12, 1910, Lawrence Scott, drunkenness in public places. Guilty. Sentence suspended.
38. August 12, 1910, William Morton, drunkenness in public places. Found guilty. Sentence suspended.
39. August 25, 1910, J. White, drunkenness in public places. Found guilty. Sentenced to a fine of \$30, or 15 days in jail.
40. August 25, 1910, Russell E. Douglass, drunkenness in public places. Found guilty. Sentenced to a fine of \$30, or 15 days in jail.
41. August 25, 1910, George Walker, drunkenness in public places. Found guilty. Sentenced to fine of \$16, or 8 days in jail.
42. August 25, 1910, Richard Fox, indecent and offensive conduct. Guilty. Sentenced to a fine of \$180, or 90 days in jail.
43. September 23, 1910, Charlotte E. Kunz, practicing the art of palmistry and fortune-telling without having first procured a license therefor. Acquitted.
44. September 27, 1910, John Grady, drunkenness in public places. Found guilty. Sentence suspended.
45. October 3, 1910, Jerry Harrington, drunk, and disorderly conduct. Found guilty. Sentenced to a fine of \$20, or 10 days in jail.
46. October 10, 1910, Julia (Indian), drunkenness in public places. Found guilty. Sentence suspended.
47. October 28, 1910, Oscar Louis Schreiber, drunk and disorderly conduct. Acquitted.
48. October 28, 1910, James Rheim, drunk and disorderly conduct. Case dismissed.
49. October 28, 1910, Jack O'Keefe, drunkenness in public places. Guilty. Sentence suspended.
- Number of prosecutions pending, none.
- Costs of prosecutions, \$52.80.
- Amount of fines paid, \$65.

Respectfully, GEO. N. NOEL, *District Attorney.*

WASHOE COUNTY

RENO, December 15, 1910.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county for the year 1910 to date:

DISTRICT COURT CONVICTIONS

- Fortunato Tarsitano, murder in second degree, 25 years.
- John Prosole, arson, 5 years.
- C. J. Park, forgery, 1 year.
- Arthur Hanley, burglary, second degree, 1½ years.
- Lewis Walker, burglary, second degree, 3 years.
- George W. Ramsey, burglary, second degree, 4 years.

- William Lynch, selling liquor to an Indian, 1 year.
 Lewis Davis, assault with intent to rob, 2 years.
 J. E. Raymond, forgery, 5 years.
 George Franklin, assault with intent to rob, 2 years.
 L. Capo, assault with deadly weapon, 1½ years.
 Frank Davenport, selling whiskey to an Indian, 1 year.
 George Jim, manslaughter, 9 years. Convicted of murder in the first degree and penalty fixed by jury at life imprisonment; new trial granted and plea of "guilty" to manslaughter, accepted.
 H. E. Harris, burglary, first degree, 3½ years.
 Fred Lepold, assault with intent to kill, 12 years.
 J. L. Stone, grand larceny, 5 years.
 N. A. Buell, selling liquor to an Indian, 1 year.
 Fred Lepold, burglary, first degree, 6 years.
 J. J. Curtis, burglary, second degree, 2 years.
 Peter Hollorn, burglary, first degree, 1½ years.
 Robert Murphy, burglary first degree, 1 year 9 months.
 John McGee, burglary, first degree, 1 year.
 W. T. Smith, forgery, 1½ years.
 Geo. Sylvester, burglary second degree, 2 years.
 Jake Gray, selling liquor to an Indian, fined \$500.
 Joe Rodriguez, assault, 4 months county jail.
 Acquitted by trial jury, 3; dismissed by District Attorney for lack of evidence, 1; prosecutions pending, 22.
 Costs of prosecution, \$4,281.70. This includes the entire fees of the grand jury, a considerable part of whose time was spent in the investigation of matters other than those of a criminal nature.
 Amount of fines paid, \$792.
 Bail forfeited and collected, \$1,700.
 Average years sentenced, 4 years 1 month.
 Cases ignored by the grand jury 6.
 Prosecutions for misdemeanors, Justice Court, Reno Township: Convictions, 37; acquittals, 6; dismissed, 30. In a large percentage of these cases the complaint was either withdrawn or dismissed by reason of the failure of the prosecuting witness to appear, or upon a request that the complaint be withdrawn.
 Aggregate sentences in above cases, 937 days.
 Aggregate fines in the above cases, \$607.50.
 Prosecutions for misdemeanors, Justice Court, Sparks Precinct: Convictions, 19; acquittals, 3; dismissed, 12.
 Aggregate sentences in the above cases, 850 days.
 Aggregate fines in the above cases, \$195.
 No reports received from Verdi, Wadsworth and Olinghouse Townships.

Respectfully submitted,

WM. WOODBURN, Jr., *District Attorney.*

WHITE PINE COUNTY

ELY, November 26, 1910.

To the Honorable the Attorney-General.

DEAR SIR: I beg leave to report the condition of the prosecutions in this county for the year ending November 1, 1910, to be as follows:

The total number of felony cases filed in the Justice Court is as follows: Arson, 1; assault with a deadly weapon, 5; grand larceny, 5; forgery, 3; burglary, 11; housebreaking, 1; robbery, 1; assault with intent to kill, 5; fraudulent check, 1; murder, 2; embezzlement, 3; total, 39.

Dismissed or acquitted on evidence, 18; bound over to the grand jury, 12; not apprehended, 9; total, 39.

Total number of misdemeanor cases filed in the Justice Court, 155; total number of convictions, 98; total number of cases abated, dismissed or acquitted, 57.

Average sentence imposed in misdemeanor cases in the Justice Court, of confinement in county jail, 22 days.

Average fine imposed in misdemeanor cases in Justice Court, \$18.27.

Total amount of fines collected, \$902.50.

Remainder of fines paid out in the county jail.

Total number of felonies heard before the grand jury, defendants apprehended and arrested, 56.

Total number of indictments found, 27.

Total number dismissed by the grand jury, 29.

Total number of secret indictments found on felony charges, defendants not apprehended, 3.

Total number of indictments found by the grand jury and their disposition is as follows:

O. P. Barber, obtaining money under false pretenses, acquitted.

Wm. Vance, malicious mischief, acquitted.

Mike Subrello, assault with intent to kill. Plead guilty. Sentenced to 2½ years in State Prison.

W. H. Bennett, forgery. Case continued for the term. Defendant released by the court on his own recognizance.

Wm. Bell, assault with intent to kill. Convicted. Sentenced to 4 years in State Prison.

Ed. Iverson, conducting a gambling game without license, acquitted.

Walter C. White, jail breaking, acquitted.

W. E. Daniels, aiding jail breaking, acquitted.

Andrew McNichols, assault with intent to kill. Convicted. Sentenced to 4 years in State Prison.

C. B. H. Wheelless, assault with intent to kill. Acquitted.

Wm. Rowan and J. P. Ryan, grand larceny, acquitted.

Richard Richards, perjury, acquitted.

William Simpson, assault with intent to kill, convicted. Sentenced to one year in State Prison.

The great number of acquittals in the above list I attribute to the interference in the prosecution of such cases by different officers in this county, and the Governor's application for the appointment of a deputy Attorney-General by misrepresenting facts to your office, which were not true and they knew that such statements were not true. Your subsequent action upon ascertaining the facts was a step toward law and order

and has been duly appreciated by citizens who respect justice in this county and who approve your position.

The recent indictments that this office has handled without obstructions, and their disposition are:

James Burgess, forgery, convicted. Sentenced to 3 years in State Prison. November term of court.

Ole Norberg, malicious mischief, convicted. Fined \$25.

Jim Anton, embezzlement, convicted. Four years in State Prison.

H. R. Kruger, forgery. Appeal case as to demurrer to indictment pending in Supreme Court.

H. R. Kruger, uttering, publishing and passing a fraudulent check, convicted. New trial granted. November term.

Frank Bauer, burglary, convicted. Motion for new trial by defense granted. Appeal taken to Supreme Court. Now pending.

Robert Orr, assault with intent to kill. Convicted of assault with a deadly weapon with intent to do bodily harm. New trial granted. Appeal taken, now pending in Supreme Court.

Andrew Kliach, murder, convicted of manslaughter. Sentenced to 6 years in State Prison. November term of court.

G. Pastoria, murder, convicted of murder in the second degree. Sentenced to 15 years in prison. November term.

Swan Anderson, illegal voting, convicted of attempting to cast an illegal vote. Sentenced to 40 days in the county jail. November term.

O. B. Nelson, murder, case pending. Set for November 28th.

Mike Manajlovic, assault with deadly weapon with intent to do bodily harm. Set for December 1st.

Maitland Dunn, grand larceny, indictment pending. Three secret indictments pending, defendant not apprehended.

The following cases were investigated and ignored by the grand jury during the year:

Frank Warrin, arson.

Jack Carrigan, grand larceny.

Frank Venezuela and Joe Samoria, burglary.

Steve Stankovich, assault with intent to kill.

Steve Rodman, assault with a deadly weapon.

Frank Venezuela and Joe Samoria, jail breaking.

Mike Pistovich, Jr., and Mike Pistovich, Sr., communicating with prisoners.

Wm. Sullivan and Eric Johnson, destroying county property.

Emma Jones, assault with intent to kill.

Wm. Blair, malicious mischief.

J. M. Todd, issuing worthless check.

Jim Bagley, grand larceny.

Emma Jones, assault with intent to do great bodily harm.

W. E. Daniels, communicating with prisoners.

R. C. Duchand, conducting a prize-fight without license.

C. P. Adams, burglary.

Socrates Brewer, assault with an instrument with intent to do great bodily harm.

Harrison Kelley, murder.

A. J. Fowler, conducting a gambling game without license.

Frank King, murder.

Jacob Ankers, assault with intent to do great bodily injury.

John Rice, arson.

Chris Johnson, arson.

John Kessler, arson.

Maitland Dunn, murder.

The costs of prosecution to White Pine County for the year ending November 1, 1910:

Justice of the Peace fees, \$1,345.57.

Constable fees, \$1,445.92.

Cost of grand jury, \$1,561.90.

Cost of trial jury, \$2,623.20.

Cost of meals for trial jury, \$217.80.

Sheriff's salary and expenses, \$12,011.35.

Board and expenses of prisoners while in custody, \$2,727.25.

Cost of attorneys in criminal cases, including District Attorney's salary, \$1,600.

As near as I can calculate over 80 per cent of the crimes committed here are committed by the foreign element, between 70 and 75 per cent of whom have neither first nor second papers. Crime is mostly due to the disrespect of the foreign element to our laws and especially in having no respect for truth and veracity while on the witness stand. When a crime is committed by an Austrian or Greek, they will commit perjury to clear each other, without hesitation. Their revenge of a wrong done is physical revenge, rather than legal punishment. I estimate we have about 2,500 Austrians and Greeks in the district, which furnish about 75 per cent of the crimes committed. The other foreign element is about 6 per cent. There are not five Austrians or Greeks that I have known in the county that I have ever had reason to believe testified honestly in a prosecution for the State. I have discovered that it makes no difference, even if they are American raised. The disrespect seems to be inherent within them.

The going into effect of the gambling law has reduced costs in criminal prosecutions a great deal and will continue to do so, as the undesirable element following gambling have been eliminated from our community. Expenses next year in prosecutions will be much less than heretofore.

This report would not be complete if I failed to mention the activity of the Federal authorities in enforcing the recent Federal law as to white slaves and foreign prostitutes. We had a considerable number of this element in the district who left immediately upon the investigation by the Federal officers. Further action along these lines being expected daily at this time.

I have included in this report the disposition of all cases pending November 1st, up to and including this date, as the present term of court was commenced in September and has extended over to and will include about December 10th. In making the statement of cases in which action was taken I have marked them November term of court so as to fully explain which ones were passed upon in November.

I would suggest as an amendment to the law that these annual reports of the District Attorney be made for the calendar year ending on the first Monday of January, so that each District Attorney would report his complete work during his term of office.

I beg to remain yours very truly,

C. R. REEVES, *District Attorney.*

REPORT OF DISTRICT ATTORNEYS FOR 1909

CLARK COUNTY

LAS VEGAS, December 10, 1909.

To the Honorable the Attorney-General.

DEAR SIR: I beg leave to report that the District Court convened in the County of Clark, State of Nevada, for its first term, on the 25th day of October, 1909.

That on the 26th day of October, 1909, two indictments for murder were returned against one James B. Nobles, one for the murder of Arthur Dow and one for the murder of Frank Orr, really both crimes being one transaction.

That on the 27th day of October an indictment was returned against Mary J. Powers and W. J. Powers for the crime of an assault with intent to do great bodily injury.

That on the 27th day of October an indictment was returned against Herman Rheimaki for an assault with intent to kill one J. M. Heaton.

I would further report that on the 2d day of last month the said James B. Nobles was put upon his trial for the murder of Arthur Dow, and after a trial of five days he was found guilty of murder in the first degree and the jury fixed his punishment at life imprisonment, and he was on the 11th day of November sentenced accordingly.

That on the 8th day of November, 1909, Mary J. Powers and W. J. Powers were tried and the first-named person convicted of assault and sentenced to six months in the county jail, the codefendant being found not guilty.

That on the 9th day of November Herman Rheimaki, being put upon his trial for assault with intent to kill, and making a special defense of insanity, a jury was called and he was found not sane by the jury, and was delivered over to the Sheriff.

One person, bound over to the grand jury, was by said body discharged.

No fines were levied or paid.

Concerning the costs and expenses of the prosecutions, I am not able to give them, the County Clerk not being ready with the figures.

Respectfully submitted,

W. R. THOMAS, *District Attorney.*

CHURCHILL COUNTY

FALLON, November, 18, 1909.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1909:

Number and character of prosecutions: Two felony charges, as follows: One assault with deadly weapon; one forgery; three misdemeanors, violations of game laws; one misdemeanor, an assault.

Number of persons convicted, and character of punishment: One convicted of an assault with a deadly weapon, fined one thousand dollars. Board of pardons remitted eight hundred dollars of the fine. Served one hundred days in the county jail. One convicted of a forgery, sentenced to 14 months in State Prison. Three convicted for violation of the game law, fined \$25 each. One convicted of an assault, fined \$25.

Number of persons acquitted, or as to whom prosecutions were abated or dismissed: None.

Number of prosecutions pending: One, assault and battery, on appeal from Justice Court.

Cost of prosecutions, \$500.

Amount of fines paid, \$88.

Respectfully, W. C. GRIMES, *District Attorney.*

DOUGLAS COUNTY

GENOA, November 30, 1909.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1909.

Number and character of prosecutions: Vagrancy, 2; disturbing the peace, 1; petit larceny, 1; murder, 1; selling whiskey to indians, 3; resisting water commissioner, 1; hunting without a license, 1; contributory delinquency, 1; malicious mischief, 1; proceeding for search warrant, 1; nuisance, 1; total, 14.

Number of persons convicted, and character of punishment: Two convictions for vagrancy. Twelve days in county jail for one, eight days in county jail for the other. One conviction for disturbing peace. Fined \$5 and costs. Both paid by defendant. One conviction for petit larceny. Sent to county jail for fifteen days. One conviction for murder. Sentenced to be hanged and sentence carried out. Three convictions for selling whisky to Indians. One year each in State Prison. One conviction for resisting water commissioner. Fined \$74 and costs. Paid by defendant. One conviction for hunting without license. Fined \$10 and costs. Paid by defendant. One conviction for malicious mischief. Fined \$10 and costs. Paid by defendant by serving five days in county jail at \$2 per day.

Number of persons acquitted, or as to whom prosecutions were abated or dismissed: One case nuisance. Acquitted by jury. One case contributory delinquency. Acquitted by jury.

Number of prosecutions pending: None.

Cost of prosecutions, \$3,630.25.

Amount of fines paid, \$89.

Respectfully, D. W. VIRGIN, *District Attorney.*

ELKO COUNTY

ELKO, December 1, 1909.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of criminal business transacted in this county for the year ending November 1, 1909:

Misdemeanors: Total number of convictions, 602; total number of acquittals and dismissals, 59; total number of prosecutions, 661.

Felonies: Indictments held over from 1908, 2; number of preliminary examinations held, 19; number of defendants indicted (some of these cases having come before the grand jury direct, without preliminary examinations) 21; number of defendants acquitted on trial, 6; number of defendants discharged on motion of District Attorney, 5; number of defendants discharged at preliminary examinations, 6; number of defendants convicted, 13; number of prosecutions pending, 5.

Punishment: One sentence of death (commuted to life imprisonment); one sentence of eleven years (second degree murder); minimum sentence (second degree burglary), three months; average sentence (exclusive of death sentence), 1.9 years.

Defendants convicted of the following felonies: Murder first degree, 1; murder second degree, 1; grand larceny, 4; passing false paper, and forgery, 3; burglary, 4.

One vagrancy case (living around house of ill fame) appealed and defendant convicted in District Court, 90 days and labor.

Fines collected, \$1,340.20.

Cost of prosecutions, including fees of grand and trial jurors, \$8,515.65. (District Court.)

Respectfully, E. J. L. TABER, *District Attorney.*

EUREKA COUNTY

EUREKA, November 1, 1909.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1909.

Number and character of prosecutions: Two, assault with intent to kill; three, disturbing the peace; one, forgery; one, assault and battery; one, threatening to kill; one, petit larceny.

Number of persons convicted and character of punishment: One, disturbing the peace, fined \$10 and costs; one, disturbing the peace, fined \$1 and costs; one, disturbing the peace, fined \$1 and costs; one, assault and battery, fined \$20 and costs; one, threatening to kill, put under peace bond.

Number of persons acquitted, or as to whom prosecutions were abated or dismissed: One, assault with intent to kill, acquitted; one, assault

with intent to kill, dismissed; one, petit larceny, acquitted; one, forgery, dismissed.

Number of prosecutions pending: None.

Cost of prosecution, about \$900.

Amount of fines paid, \$32.

Respectfully, A. S. HENDERSON, *District Attorney.*

HUMBOLDT COUNTY

WINNEMUCCA, December 30, 1909.

To the Honorable the Attorney-General.

DEAR SIR: I have the honor to submit a statement of the criminal business transacted in the County of Humboldt, State of Nevada, during the year ending on the first day of November, 1909, in accordance with the provisions of the Act of the Legislature of the State of Nevada, entitled, "An Act to require District Attorneys to make certain reports to the Attorney-General" approved March 1, 1889:

Number and character of prosecutions in the District Court: Arson, 1; burglary, 13; forgery, 3; assault with intent to kill, 7; assault with a deadly weapon, 2; infamous crime against nature, 1; grand larceny, 1; criminal libel, 1; carrying concealed weapon (appealed from Justice Court) 1; murder, 7.

Number of persons convicted, 17; number of persons acquitted, 6; number of persons as to whom indictments were dismissed, 3; number of persons whose cases were ignored by the grand jury, 9.

Average punishment on conviction, 5 8-13 years.

Costs of prosecutions in District Court, including grand jury expense and Sheriff expense, \$27,844.02.

Number and character of prosecutions in the various Justices' Courts in Humboldt County: Various misdemeanors, 1,050; preliminary examinations, 35.

Costs of prosecutions in Justices' Courts, \$7,262.90.

Amount of fines paid, \$930.90.

Number of cases pending in District Court on November 1, 1909, 9.

Respectfully,

EDW. A. DUCKER, *District Attorney.*

LANDER COUNTY

AUSTIN, December 1, 1909.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law, I herewith submit my annual report of the criminal business transacted in Lander County during the year ending November 1, 1909.

Number and character of prosecutions in District Court: Burglary, 1; plea of guilty, sentenced to two years in State Prison; assault, 1; plea of guilty, sentenced to five months in county jail; forgery, 1; recognizance forfeited; one case of burglary ignored by the grand jury.

Average punishment on plea of guilty, 1 year and 4 months and 15 days; one case of vagrancy pending, appealed from the Justice Court.

Costs of prosecutions in the District Court, \$800. No fines collected in District Court. One bond of \$500 forfeited and collected.

Number and character of prosecutions in the Justice of the Peace Courts of the county: Austin township: Misdemeanors, 62; disturbing the peace, 45; obtaining goods under false pretense, 3; assault and battery, 5; drawing weapons, 3; contempt, 1; vagrancy, 3; cheating, 1; resisting an officer, 1; killing an animal, 1; grand larceny, pending.

Preliminary examinations, 5; number of convictions, 46; acquittals, 8; dismissals, 8; average punishment, 15 days in jail.

Argenta Township—Misdemeanors: Disturbing the peace, 80; gambling without license, 4; obtaining goods under false pretense, 4; assault, 2; breaking jail, 1; giving whisky to prisoners, 2; petit larceny, 4; cruelty to animals, 1; vagrancy, 2; opening letters of another, 1; total number, 102; number of convictions, 91; acquittals, 11; average punishment by imprisonment, 5 days in jail.

Number of preliminary examinations, 6. Preliminary examination pending for shipping horses out of the State without inspection.

Fines paid in Justices' Courts, \$709.50.

Estimated costs of misdemeanors and preliminary examinations in the Justice of the Peace Courts, \$1,650.

Total costs of prosecution, approximately, \$2,500.

In addition to the above, five arrests for selling whisky to Indians were made and the parties arrested were turned over to the federal authorities.

Respectfully yours,

D. A. PATE, *District Attorney.*

LYON COUNTY

DAYTON, December 1, 1909.

To the Honorable the Attorney-General.

SIR: Pursuant to law, I herewith submit my annual report of the criminal business transacted in Lyon County, during the year ending November 1, 1909.

Number and character of prosecutions: Disturbing the peace, 1, convicted; assault and battery, 4, convicted; assault, 4, convicted 3 and acquitted 1; carrying concealed weapon, 1, acquitted; selling opium, 1, convicted.

Preliminary examinations before the Justices' Courts: Infamous crime against nature, 1, dismissed; kidnaping, 1, dismissed; assault with intent to kill, 1, held to grand jury; rape, 1, held to grand jury; uttering false paper, 1, held to grand jury.

Presented in the District Court: Carmilinda Ventura, indicted by the grand jury for assault with intent to kill, was tried and acquitted by a jury.

Frank White, indicted by the grand jury for rape, was allowed to

plead guilty to an assault with intent to commit rape, and was sentenced to serve 14 years in the penitentiary.

Costs, \$956.50.

Fines collected, \$13.25.

Respectfully submitted,

C. H. MILLER, *District Attorney.*

NYE COUNTY

TONOPAH, December 1, 1909.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1909:

Number and character of prosecutions: Felony charges: Burglary, 1; receiving stolen goods, 1; murder, 1; embezzlement, 2; assault with intent to kill, 1. Misdemeanors in the Justice Court, 882.

Number of persons convicted, and character of punishment: Convictions in Justice Court, 645. Punishment, fines and jail sentences. Some sentences suspended. Convictions in District Court, 2; prison sentence, 1; jail sentence, 1.

Number of cases in which charge was reduced to misdemeanor and defendant pleaded guilty, 2.

Number of cases in which jury disagreed: District Court, 1.

Number of persons acquitted, or as to whom prosecutions were abated or dismissed: Cases dismissed for insufficient evidence and prosecuting witness leaving State, 4; acquitted on trial in District Court, 3; number prosecutions pending, 4.

State v. Mangana. Murder, Convicted November 18, 1909. Death penalty.

Amount of fines paid, \$922.

Respectfully, CLEVE H. BAKER, *District Attorney.*

ORMSBY COUNTY

CARSON CITY, March 5, 1910.

To the Honorable the Attorney-General.

MY DEAR SIR: In conformity with the statutes of Nevada I hereby make report on criminal cases in Ormsby County, as follows:

Richard E. Stuck, indicted by Ormsby County Grand Jury, November 18, 1909, for forgery. November 19, 1909, pleaded guilty to charge and sentenced to serve 18 months in Nevada State Prison.

Two indictments were returned by the Ormsby County Grand Jury against Stuck, a *nolle prosequi* being entered in the second case after the defendant pleaded guilty and was sentenced on indictment number one.

Stuck was a solicitor for advertising, his business being to call upon

merchants and others and have them make and execute an order for certain advertising in a local paper for a stated amount. After securing such orders he hypothecated them with an individual or bank. In Ormsby County Stuck altered several of these orders or due bills by raising them from \$6 to \$16, from \$4 to \$14, etc., etc., and then disposed of them at the altered, forged or raised face value. He was indicted and pleaded guilty to raising or altering a due bill signed by Joe Smyth for \$6 and raised to the sum of \$16 and then sold by Stuck for the purported face value of \$16.

If any further information is desired in this case at any time I will be pleased to furnish it to you.

Very respectfully yours,

GEORGE L. SANFORD, *District Attorney.*

STOREY COUNTY

VIRGINIA CITY, November 29, 1909.

To the Honorable the Attorney-General.

SIR: Pursuant to law, I herewith submit my annual report of the criminal business transacted in this county during the year ending November 1, 1909:

Number and character of prosecutions and the determination thereof, in the Justice Court: Assault and battery, 8; fines upon convictions, \$200; vagrancy, 14; simple assault, 1, paid fine of \$10; under bond to keep the peace, 1; defrauding inn-keeper, 1; warrant issued, but subsequently, after settlement between the parties, case was dismissed; cheating and defrauding, 1, fined \$360, or 120 days in the Storey County jail, which term of imprisonment, the offender is now serving; obtaining money under false pretenses, 2, dismissed on account of insufficient testimony to secure conviction; cheat and swindler, 1, warrant issued, not returned on account of being unable to locate the defendant; drunk and disorderly conduct, 15 (convicted); drunkenness, 22 (convicted); fast driving within city limits, 1 (dismissed); lewd and indecent language, 2 (convicted); noisy conduct on street, 3 (convicted); discharging firearms in city limits, 1 (convicted).

Fines collected on account of above specified offenses, \$119. (Not including the \$210 mentioned above.)

Examination by Justice of the Peace upon application for complaint and warrant on charge of assault with intent to kill, 1. Warrant refused, the evidence being inadequate to justify a prosecution.

Extradition of John Prince to California on charge of burglary.

Bound over to the grand jury: Embezzlement, 1, warrant issued, defendant not locatable; burglary, 1, charge ignored; abduction for enticing child away, 1. Indicted by grand jury, trial had and defendant acquitted.

I have incorporated a complete record of the criminal proceedings for the term hereinbefore mentioned in order to demonstrate that our principal work here is not of a character of seriousness, as will be noticed by the difference between the number of cases in the Justice's Court and

the District Court. In submitting this report I wish to thank the departments of the Sheriff, the Constable and police for the able and efficient manner in which they have aided me in my department.

Total amount of fines paid, \$329.

Costs of prosecution: Impossible to ascertain exactly, but believe same to be approximately \$930.

Respectfully,

GEO. N. NOEL, *District Attorney.*

WASHOE COUNTY

RENO, December 1, 1909.

To the Honorable the Attorney-General.

SIR: I respectfully submit my annual report of the criminal business transacted in this county, for the period beginning December 1, 1908, and ending November 1, 1909.

DISTRICT COURT CONVICTIONS

- C. C. Petty, murder, first degree, death penalty.
- Fortunato Tarsitano, murder, second degree, sentence pending.
- Christ Panos, infamous crime against nature, 32 years.
- Frank Webb, robbery, 25 years.
- Henry Wilson, burglary, 1½ years.
- F. S. Rogers, grand larceny, 3½ years.
- Joe Romerez, burglary, 1½ years.
- H. F. Breemer, burglary, 1 year.
- Fred Carey, burglary, 1 year 2 months.
- George Washington, burglary, 1 year.
- W. M. Scott, selling liquor to an Indian, 1 year, 3 months.
- Frank Rice, assault with a deadly weapon, 2 years.
- Jerry Harrington, burglary, 5 years.
- John Prosole, arson, sentence pending.
- E. D. Phillips, burglary, 1 year, 3 months.
- L. C. Pilsbury, issuing fraudulent paper, 2 years.
- J. W. Kiplinger, selling liquor to an Indian, 1 year.
- Robert Jorme, burglary, 4 years.
- Ed. Maloney, burglary, 3 years.
- Antone Lopez, selling liquor to an Indian, 1 year.
- George Elkins, receiving stolen goods, \$1,000 fine.
- Fred Elkins, receiving stolen goods (C. R. Lewers, special prosecutor), \$500 fine.
- Wm. Lynch, selling liquor to an Indian, \$500 fine.
- Wm. Grider and Wm. Jackson, grand larceny, reduced to petit larceny, 4 months.
- John Murray, assault with intent to rob, reduced to simple assault, 3 months.

Peter Lucchesi, assault with a deadly weapon, reduced to assault and battery, 4 months.

F. C. Abbott, assault with intent to rob, 1½ years.

ACQUITTALS

Joe Burns, assault with intent to rob.

F. Mazotti, passing fraudulent check.

DISMISSALS

Two cases dismissed for insufficient evidence.

JUSTICE'S COURT, RENO TOWNSHIP

Assault and battery, convictions, 21; acquittals, 3; dismissals, 3; contempt, convictions, 2; petit larceny, convictions, 22; dismissals, 8; selling goods without license, convicted, 1; violation of game and fish law, convicted, 2; dismissals, 2; obtaining money under false pretense, convictions, 3; violation of opium law, convicted, 26; embezzlement, convictions, 2; dismissals, 2; drawing a deadly weapon, acquittal, 1; running an automobile without a license, acquittal, 1; threatening to commit a crime, dismissal, 1; contributory delinquency, dismissal, 1.

JUSTICE'S COURT, SPARKS TOWNSHIP

Assault and battery, convictions, 3; dismissal, 1; disturbing the peace, convictions, 6; dismissals, 2; petit larceny, convictions, 4; petit embezzlement, convictions, 2; acquittal 1; selling goods without a license, conviction, 1; assault, dismissal, 1.

Cases appealed: Assault and battery, 1; disturbing the peace, 1; petit larceny conviction (judgment appealed), 1.

Total amount of fines collected, \$95.

Total number of days committed, 405.

JUSTICE'S COURT, OLINGHOUSE TOWNSHIP

Assault and battery, convictions, 3.

Fines collected: Two thousand six hundred and sixty-five dollars (\$2,665).

Cost of criminal prosecutions: Ten thousand six hundred and ninety-nine dollars and sixty cents (\$10,699.60).

Respectfully submitted,

W. M. WOODBURN, JR., *District Attorney.*

Washoe County Supplemental Report

RENO, NEVADA, December 10, 1909.

HON. R. C. STODDARD, *Carson City, Nevada.*

I herewith submit for your information a brief account of the nature of the cases of those who have been recently convicted and sentenced to imprisonment in the Nevada State Penitentiary:

C. C. Petty; indicted and convicted of murder, first degree, with death penalty.

The evidence in this case shows that in April, 1909, the defendant, in a passionate rage, shot Mrs. Petty, his wife, five times, each bullet taking effect, and death immediately ensuing.

The testimony discloses that Petty was a degenerate of the lowest type, and the jury promptly fixed the punishment at death.

This case is now on appeal before the Supreme Court of this State.

Fortunato Tarsitano; convicted of murder of the second degree, and sentenced to 25 years in the penitentiary.

The defendant was charged with having taken the life of a woman by the name of Maria Fava, who was employed in the Europa Hotel on Lake Street in the City of Reno, Nevada. Although a married woman, she was the sweetheart of P. Pirretti, a cook employed at the Tuscano Hotel, which immediately adjoined the Europa Hotel on Lake Street.

The defendant's wife was an inmate of the tenderloin. A rancher, whose name is unknown, had been ordering meals from the Tuscano Hotel to be sent to the defendant's wife in the tenderloin, to which Tarsitano objected, and on the day of the shooting had threatened to take the life of the Tuscano cook, Pirretti, if any more meals were sent from that hotel to his wife. About six o'clock of the day of the tragedy, an order was given to send another meal to the tenderloin, and Pirretti, the Tuscano cook, went over to the Europa Hotel and asked the defendant as to whether or not the meal should be sent. Angry words were exchanged between the two and a fight ensued, in which, the testimony shows, the defendant was severely beaten. A bystander pulled the cook off of the defendant, the cook proceeding to the Tuscano Hotel. The defendant got to his feet and went into the dining-room of the Europa Hotel, where he saw Maria Fava, and shot her in the back.

His explanation of the shooting was that he believed the Tuscano cook was coming through the rear door of the Europa Hotel armed with either a knife or revolver, and that he shot in self-defense, and hit the woman accidentally.

By reason of the excited condition of his mind, induced by a continued indulgence in intoxicating liquors, and the beating administered to him by the Tuscano cook, immediately before the shooting, the jury saw fit to reduce it to second degree.

Christ Panos, convicted of the infamous crime against nature, and sentenced to thirty-two years in the penitentiary.

In March of this year, the defendant met one Jesse Taber, a young boy of the age of nineteen years, who was out of employment and was walking from Sparks to Reno, at about twelve o'clock in the night. The defendant joined him, and about midway between Sparks and Reno, the defendant suggested to Taber that they indulge in infamous and unlawful intercourse. Taber believed that the defendant was jesting, but upon repeated demands on the part of the defendant, he firmly and flatly refused; thereupon the defendant drew a revolver and shot Taber in the thigh. While Taber was lying on the ground as the result of his wound, the defendant, at the point of his revolver, compelled the boy, Taber, to accede to his demands.

The case was revolting and shameful in its nature and the long sentence pronounced upon him by the court is none too severe.

Frank Webb; convicted of robbery, and sentenced to twenty-five years in the State Penitentiary.

About midnight of May 11th, the defendant walked into the livery stable conducted by A. M. Hammontree, and at the point of a revolver relieved Hammontree and his partner, Manuel Victor, of about one hundred dollars in gold.

While Hammontree and Victor were lined up against the wall of the

stable, an employee of theirs, by the name of Monroe, came from the rear of the stable and the defendant immediately turned on him and shot him in the side.

The defendant was masked at the time of the robbery, and the only question for the jury to consider was that of identity.

The defendant had previously served three terms in California penitentiaries, and is unquestionably a dangerous man.

Henry Wilson; convicted of burglary and sentenced to one year and a half in the State penitentiary.

Defendant entered a store, in the night time, conducted by Steve Williams, and stole thirty or forty dollars' worth of the contents of said store, consisting of tobacco, etc.

He is a young fellow and it is probably his first offense.

F. S. Rogers; convicted of grand larceny and sentenced to imprisonment in the State penitentiary for three years and a half.

About seven o'clock in the evening, defendant entered the store of Grey, Reid & Wright Co. and stole a bundle of clothes, of the value of seventy dollars.

Joe Romero; convicted of burglary, and sentenced to imprisonment in the State penitentiary for one year and a half.

The testimony in this case showed that the defendant, about nine o'clock in the evening, picked up a box of goods within about fifteen feet of a box car, which had, during the preceding hour, been broken open. The goods found in his possession were in the shipment contained in the broken box car.

The trial jury were out over seventeen hours as the evidence was very slight as to his being the same man who had broken into the car.

H. F. Breemer and Fred Carey; both convicted of burglary. H. F. Breemer was sentenced to serve one year; Fred Carey, one year and two months in the State Penitentiary.

These young men broke into a chicken house and stole about a dozen chickens, which they afterwards disposed of to a restaurant keeper in this city.

The case was so flagrant in its nature that we saw fit to charge them with the highest offense under the circumstances, in view of the fact that the chicken house is immediately connected with the dwelling house, which was occupied by a woman.

George Washington, convicted of burglary and sentenced to serve one year in the State penitentiary.

The defendant is a negro, who broke into the house of another negro and stole a suit-case of clothing.

The minimum punishment was inflicted, and he should be compelled to serve his term.

W. M. Scott; convicted of selling liquor to an Indian, and sentenced to serve one year and three months.

This is a very clear case of having sold liquor to a Washoe Indian.

The proof is convincing and conclusive.

Frank Price; convicted with assault with a deadly weapon.

The defendant was playing cards in a negro's cabin in Lover's Lane in this city, and a dispute arose and some shooting occurred in the cabin, on the third day of November, 1908.

Captain Cox of the State Police and Chief Burke of the Reno force,

hearing the shots, ran to the cabin. When the defendant ran out they called upon him to halt, and fired in the air. The defendant stopped, turned, and fired at both Captain Cox and Chief of Police Burke.

During the course of the interchange of shots the negro was wounded and arrested.

Jerry Harrington; convicted of burglary and sentenced to five years.

Defendant broke and entered the premises of the Nevada Fence Company and was caught in the act.

This occurred about midnight in the middle of December, 1908.

John Prosole; convicted of arson in the second degree and sentenced to.....years.

This case was based upon proof circumstantial in its nature. The evidence showed that the defendant conducted a grocery store at the corner of Commercial Row and Center Street in this city.

His store was insured for about three thousand dollars, and its value by competent appraisers at the trial was shown to be about seven hundred dollars. The upper part of the building was occupied by a family consisting of three or four women. To their surprise he had invited them to a picnic on the evening of the day when the premises were set afire.

He appeared nervous and overwrought during all of the day preceding the fire, and had refused permission to anyone to enter the cellar.

About one o'clock in the morning a fire was discovered in the cellar of these premises, which were within a block of the fire department, and was promptly extinguished.

Inquisition as to the cause of the fire showed a most startling condition of affairs. Ten gallons of coal oil had been poured over boxes and barrels containing whisky and merchandise, in the cellar, with a long fuse connected to a candle, which was placed in a box.

Experiment showed that it would take about six hours for a full-sized candle to burn up to this fuse, and the evidence shows that about six hours after the last time he was seen around the premises that the place caught fire.

In this case the only question for the trial jury to consider was, who set fire to it, and as I have said before, the evidence was purely circumstantial.

In this case he was charged with arson in the second degree, as provided in our statutes, with the intent to defraud an insurance company.

This, in our opinion, is an aggravated case, and no clemency should be extended, should the defendant see fit to apply to the Board of Pardons.

E. B. Philips; convicted of burglary and sentenced to one year and three months.

The defendant is a young man and well educated, and at the time of the burglary was employed in the shops at the City of Sparks, in this county.

The evidence showed that he was very intoxicated on the night of the commission of the crime when he broke into a clothing store and stole a large quantity of goods.

When arrested, he promptly made a confession and later plead guilty.

The light sentence imposed is in harmony with the facts of the case.

L. C. Pillsbury; convicted of issuing false and fraudulent paper. Sentence, two years.

Passed a fraudulent check on T. F. Dunaway for two hundred dollars.

The defendant operated quite extensively in this city as a passer of bad checks, and the sentence pronounced by the court is, in our opinion, a light one.

J. W. Kiplinger; convicted of selling liquor to an Indian. Sentence, one year.

This case has all the usual characteristics of its kind. The evidence was conclusive that he did sell one pint of whisky to a Washoe Indian for twenty-five cents.

Antoine Lopez, convicted of selling liquor to an Indian. Sentence, one year. (Remarks in Kiplinger case apply to this case.)

Robert Jorme and Ed. Maloney; convicted of burglary. Sentence, Robert Jorme, one year; Ed. Maloney, three years.

These men are notorious box-car burglars, and each have had prior convictions against them for the same offense.

They were convicted in this county for burglary in the first degree, for having broke and entered a box car in this city and stealing a case of whisky. They are two of a large gang, who have been operating on the Coast for the last several years, and any application for clemency to the Board of Pardons should under no circumstances be considered.

These men, with six others, were held to await the action of the grand jury, and it is a remarkable fact that during their incarceration not a box-car robbery was committed within this county.

F. C. Abbott; convicted of assault with intent to rob. Sentence, one and a half years.

This young man was convicted of the offense charged, on February 27, 1909.

The evidence showed that he accosted two women on Sierra Street in this city, and placed his hand upon the shoulder of one of them and asked that they give him some money.

That he was in a very intoxicated condition was plainly shown by the evidence in this case.

He did not in any way attempt to assault the women, other than as described, and in no way harmed them, other than causing them great fright.

As I understand, he comes from very good people in California, and has no criminal record.

The testimony in the case shows that up to the time of the commission of the offense, he had been a hard-working industrious young man, and was very easily affected by indulgence in alcoholic liquors. His father testified that three or four glasses of beer would cause extreme intoxication.

I have received notice of his intention to apply to the Board of Pardons for either parole or pardon, and I am strongly inclined to the belief that his sentence should be commuted.

I don't believe the boy is a criminal at heart, and that the time that he has served is sufficient punishment for the crime he committed.

I most strongly urge the board to give his application every consideration, and I believe that inquiry to Judge Orr will lead to a similar recommendation.

Respectfully submitted,

WM. WOODBURN., JR., *District Attorney.*

WHITE PINE COUNTY

ELY, November 8, 1909.

To the Honorable the Attorney-General.

DEAR SIR: Pursuant to law I herewith submit my annual report of the criminal business transacted in the County of White Pine, State of Nevada, during the year ending November 1, 1909:

Total number of convictions and bound over to grand jury, 262.

Total number of acquittals and ignored by grand jury, 165.

Total number dismissed by District Attorney, 25.

Total number of cases pending, 40.

Total number of criminal charges, Justice and District Court and including charges before the grand jury for the year ending November 1, 1908, 507.

Total number not apprehended, 15.

In the District Court the following disposition was had: Convictions, 11; acquittals, 7; dismissed, 14; pending on indictment, 6; charges investigated by the grand jury, 70; indictments found, 38; charges ignored, 32.

Charges disposed of on indictments in the District Court are as follows:

George Luttrell, conducting a gambling game without license, convicted, fined \$1,000.

Paul Turbovich, robbery, convicted of grand larceny, sentenced to 1½ years in State Prison.

W. J. Turley, embezzlement, convicted, sentenced to one year and four months in State Prison.

John Carr, burglary, convicted, sentenced to 2½ years in State Prison.

Albert Petty, burglary, convicted, sentenced to one year in State Prison.

Antonio Vaselopus, assault with intent to kill, convicted, new trial granted, case dismissed on motion of District Attorney, lack of evidence.

John Miller, housebreaking, plead guilty, sentenced to one year in State Prison.

Dmiter Dragosovich, assault with intent to kill, convicted of assault with a deadly weapon, sentenced to two years in State Prison.

Dave Wehr, robbery, convicted of assault, sentenced to 6 months in county jail.

Carl Starkman, false checks, plead guilty, sentenced to 1½ years State Prison.

Ivan Gager, assault with intent to rape, convicted, sentenced 4 years State Prison.

Gerald Larson, grand larceny, plead guilty, sentenced 7 years in State Prison.

Total number sentenced to State Prison, 9.

Average sentence imposed in District Court, jail and State Prison, 26½ months.

Average fine imposed in District Court, \$1,000.

Acquitted: Julius Werr, forgery; George McClure, housebreaking; Fred Loper, assault with intent to kill; George Sheard, William Terry, Montie Montgomery, robbery; Tom McCoy, assault with intent to kill.

Dismissed by District Attorney, having been convicted of one charge and sentenced to State Prison: John Carr, attempt to break jail; Dmiter Dragosovich, assault with intent to kill.

Dismissed on lack of evidence by District Attorney: Will Edwards, J. A. Bennet, robbery; William Bray, false pretenses; Gus. Johnson,

assault with intent to kill; Chas. Belcher, Tom O'Dolavich, Martin Knezevich, conducting gambling game without a license; W. E. Daniels, false checks.

Dismissed by Deputy Attorney-General and District Attorney for turning State's evidence: Charles M. Hussey, grand larceny; Belle White, robbery.

Dismissed after two disagreed juries: Fred Waters, false checks; Fred Waters, false checks, two charges.

Total number dismissed by District Attorney, 14.

Total number of charges investigated by Justice of the Peace, sitting as a committing magistrate, are as follows:

Conducting gambling game without license, 10; bound over to the grand jury, 3; acquitted on the evidence, 7.

Assault with deadly weapon and assault with intent to kill: Bound over to the grand jury, 9; acquitted on the evidence 28; dismissed by District Attorney, 4.

Robbery: Bound over to the grand jury, 7; acquitted on the evidence, 8.

Grand larceny: Bound over to the grand jury, 3; acquitted on evidence, 13; not apprehended, 2.

Malicious mischief, a felony: Bound over to the grand jury, 2.

Embezzlement, a felony: Bound over to grand jury, 1.

Burglary and housebreaking: Bound over to grand jury, 13; acquitted on evidence, 7; not apprehended, 1; dismissed by District Attorney, 1.

Issuing false checks: Bound over to grand jury, 4.

Jailbreaking: Bound over to grand jury, 3.

Communicating with prisoners charged with a felony: Bound over to grand jury, 3; acquitted on evidence, 1.

Aiding jailbreaking: Bound over to grand jury, 1.

Destroying county jail property: Bound over to grand jury, 2.

Forgery: Bound over to grand jury, 2; not apprehended, 3.

Arson: Acquitted on evidence, 2.

Bigamy: Dismissed by District Attorney, 1.

Accessory before the fact to a felony: Dismissed by District Attorney, 1.

Murder: Acquitted on the evidence, 2.

Assault with intent to rape: Bound over to the grand jury, 1.

Total number bound over to grand jury, 54.

Total number acquitted on evidence, 68.

Total number dismissed, 7.

Total number not apprehended, 6.

Cases pending upon indictment, 6: George Morrison, grand larceny; Walter White, robbery; Sol Schwader, embezzlement; secret indictments—defendants not apprehended, 3.

Total number of cases pending on first of November, 1908, 7: George Lutrell, conducting gambling game without license; Paul Turbovich, grand larceny; Will Edwards, J. A. Bennett, robbery; John Carr, burglary; John Carr, attempt to break jail; Wm. H. Bray, false pretenses; Julius Werr, forgery.

Each of the above having been disposed of. Statement given.

Total number of cases pending investigation by the grand jury and bound over by committing magistrate are as follows:

W. A. Vance, malicious mischief; Wm. Blair, malicious mischief; W. E. Daniels, aiding jailbreaking; W. E. Daniels, communicating with

prisoners charged with a felony; Andy McNichols, assault with intent to kill; Walter White, jailbreaking; George Sobrello, assault with intent to kill; Joe Simoro, jailbreaking; Ed. Iverson, conducting a gambling game without a license—a 21 game; Ed. Iverson, conducting a gambling game without license—a roulette game; O. P. Barber, robbery; O. P. Barber, forgery; Mike Pistovich, Sr., communicating with prisoners charged with a felony; Mike Pistovich, Jr., communicating with prisoners charged with a felony; Joe Johnson, destroying county jail property; Wm. Sullivan, destroying county jail property; Richard Richards, perjury; Steve Rodman, assault with intent to kill; Steve Stankovich, assault with intent to kill; Jack Corrigan, grand larceny; Joe Venezuella, housebreaking; Joe Venezuella, jailbreaking; Joe Simoro, housebreaking.

Cases, defendants not apprehended, to be investigated by the grand jury: A. G. Cunningham, late Deputy County Recorder, 3 charges of forgery; 2 cases of arson; 4 charges of assault with intent to kill.

Cases pending in the Justice Court, charged with a felony: Fanny Johnson, false pretenses; Chris. Johnson, false pretenses; W. M. Bishop, false pretenses; Bob Lucky, assault with intent to kill; A. G. Cunningham, 3 charges of forgery.

Cases pending in the Justice Court, charged with misdemeanor: Assault and battery, 1; disturbing the peace, 2; carrying concealed weapons, 1.

Prosecutions in the Justice Court of misdemeanors and termination of same are as follows:

Assault and battery, 62; convicted, 53; acquitted, 8. Average fine imposed, \$21.15. Average jail sentence, 19 days. Dismissed by District Attorney, 1.

Disturbing the peace, 46; convicted, 37; acquitted, 9. Average fine assessed, \$31. Average jail sentence, 40 days.

Vagrancy, 12; convicted, 11; acquitted, 1. Average jail sentence imposed, $45\frac{1}{2}$ days.

False pretenses (misdemeanor), 13; convicted 2; acquitted 8; not apprehended, 2; dismissed by District Attorney, 1. Average fines imposed, \$25. Average jail sentence, $57\frac{1}{2}$ days.

Petty larceny, 27; convicted, 13; acquitted, 13; not apprehended, 1. Average jail sentence, $13\frac{3}{8}$ days. Average fine imposed, \$15.

Killing game out of season, 9; convicted, 9. Average fines, \$28.33 $\frac{1}{3}$.

Wife beating, 1; convicted, 1. Sentence imposed, 30 days.

Indecent exposure, 2; convicted, 2. Average sentence imposed, 40 days.

Defrauding an inn-keeper, 4; acquitted, 2; not apprehended, 2.

Discharging firearms, 2; acquitted, 2.

Obstructing justice, 1; convicted, 1. Sentence imposed, 4 months in county jail.

Search warrants, 3. No property found in each case.

Malicious mischief, 5; convictions, 5. Average fine imposed, \$7.50. Average jail sentence, 30 days.

Warrants issued for peace bonds, 8; placed under bonds, 5; acquitted, 3. Average bond, \$625.

Carrying concealed weapons, 5; convicted, 4; acquitted, 1. Average fine imposed, \$41.25. Average jail sentence, none.

Violating state revenue law, selling goods, wares and merchandise, 10; convicted, 7; acquitted, 3. Average fine imposed, \$33.57.

Running a concert saloon without license, 6; acquitted, 4; dismissed by the District Attorney, 2.

Driving stock from off the range, 1; acquitted, 1.

Contempt of Justice Court, 7; convicted, 7. Average sentence imposed, 1 day.

Smoking opium, 2; convicted, 2. Average fine imposed, \$32.50.

Selling liquor to minors, 1; convicted, 1. Fine imposed, \$20.

Exposing contagious disease, 1; acquitted, 1.

Costs of prosecutions to White Pine County, including all direct and indirect expenses, are as follows:

Sheriff's expenses.....	\$3,108.53
Legal services in prosecutions.....	1,966.67
Witness fees.....	609.35
Jail supplies.....	722.13
Grand jury expenses, including fees and mileage.....	2,507.95
Jail improvements.....	585.77
Peace officers' salaries.....	9,013.31
Board of prisoners.....	2,502.64
Stenographer fees in criminal cases.....	937.55
Constable fees in criminal cases.....	2,910.33
Interpreter fees in criminal cases.....	288.00
Justice of the Peace fees.....	1,661.90
Telephone and telegraph expenses.....	93.70
Sundry supplies for prisoners.....	234.90
Total costs.....	\$27,092.71
Fines collected.....	\$1,171.95

Crime in this county may be attributed to the following causes, directly or indirectly, as near as can be ascertained:

Drunkenness.....	71 per cent
Gambling.....	6 per cent
Houses of ill-fame and their occupants.....	9 per cent
Natural criminal intent for which no cause seems to be apparent.....	11½ per cent
Insanity.....	2½ per cent

Inquests held in the county, 27. Cause of death: Accident, 13. Suicide, 14—Circumstances indicating crime, 3; unknown, 3; suicide while under the influence of opiates, habitual drunkenness and general despondency produced by opiates or drink, 8.

Respectfully submitted,

CHAS. R. REEVES, *District Attorney.*

