

Legislative History of  
Assembly Bill 70  
of the Twenty-Fifth Session  
of the Nevada Legislature  
1911

AN ACT TO REGULATE PROCEEDINGS IN  
CIVIL CASES IN THIS STATE AND TO REPEAL  
ALL OTHER ACTS IN RELATION THERETO

Approved March 17, 1911; effective January 1, 1912

## THE NINETEENTH DAY

CARSON CITY (Friday), February 3, 1911.

House convened at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Byrne and Jones of Washoe, who were excused.

Prayer by the Chaplain, Rev. H. H. McCreery.

On motion of Mr. Schoer, duly seconded, the reading of the Journal was dispensed with.

The Sergeant-at-Arms announced a message from the Senate.

### REPORTS OF COMMITTEES

The Committee on Judiciary requested ten days' further time in which to report on Assembly Bill No. 23.

Granted.

The Committee on Public Morals reported on Senate Bill No. 12, and Assembly Bills Nos. 53 and 54.

The Lyon Delegation reported on Senate Bill No. 3.

The Committee on Ways and Means reported on Assembly Bills Nos. 14, 15, 18, and 59.

The White Pine Delegation reported on Assembly Bill No. 58.

The Humboldt Delegation reported on Assembly Bill No. 38.

Under instructions from the Speaker the above-mentioned reports were filed, to be taken up and read along with the third reading of the bills.

### MESSAGES FROM THE SENATE

SENATE CHAMBER,  
CARSON CITY, NEVADA, February 2, 1911.

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 14, with amendment to the title from "A Bill" to "An Act," which passed the Senate by the following vote: Yeas, 19; nays, none; vacant, 1.

Also, Assembly Bill No. 22, which passed the Senate by the following vote: Yeas, 19; nays, none; vacant, 1.

Also, to present for the consideration of your honorable body, Senate Bill No. 23—An Act providing for the establishment of a free public kindergarten in Sparks School District No. 29, Washoe County, Nevada, and to provide a tax levy for the purpose of maintaining same—which passed the Senate this day by the following vote: Yeas, 19; nays, none; vacant, 1.

Also, to return to your honorable body, Assembly Bill No. 6, which passed the Senate by the following vote: Yeas, 19; nays, none; vacant, 1.

Also, to present for the consideration of your honorable body, Senate Bill No. 26—An Act to pay the deficiencies in the appropriation for the years 1909 and 1910—which passed the Senate by the following vote: Yeas, 17; nays, none; absent 2; vacant, 1.

Also, Senate Bill No. 24—An Act to pay the deficiencies in the appropriation for the State Orphans' Home for the years 1909 and 1910—which passed the Senate by the following vote: Yeas, 16; nays, none; absent, 3; vacant, 1.

Also, Senate Bill No. 9—An Act for the relief of P. Newgard, Frank Buck, T. E. O'Brien, and H. A. Fravel for expenses incurred while rendering services to the State of Nevada

under instructions from the Governor—which passed the Senate this day with the following vote: Yeas, 15; nays, 1; absent, 2; not voting, 1; vacant, 1.

Also, Senate Bill No. 29—An Act appropriating three hundred dollars (\$300) for the watering and care of the Grand Army cemetery at Carson City, Nevada—which passed the Senate with the following vote: Yeas, 17; nays, none; absent, 2; vacant, 1.

SOL HILP,

*Assistant Secretary of the Senate.*

#### NOTICE OF BILLS

Mr. Jones of Clark gave notice that at some future date he would introduce a bill to provide for a raise in salary of certain officers of Clark County, State of Nevada.

Mr. Schmidt gave notice that at some future date he would introduce a bill to create a commission controlling public utilities corporations.

#### INTRODUCTION AND FIRST READING

Senate Bill No. 23—An Act providing for the establishment of a free public kindergarten in Sparks School District No. 29, Washoe County, Nevada, and to provide a tax levy for the purpose of maintaining the same.

On motion of Mr. Ayres, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Washoe Delegation.

Senate Bill No. 9—An Act for the relief of P. Newgard, Frank Buck, T. E. O'Brien, and H. A. Fravel for expenses incurred while rendering services to the State of Nevada under instructions from the Governor.

On motion of Mr. Campbell, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Senate Bill No. 29—An Act appropriating three hundred dollars (\$300) for the watering and care of the Grand Army Cemetery at Carson City, Nevada.

On motion of Mr. Meder, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Senate Bill No. 24—An Act to pay the deficiencies in the appropriation for the State Orphans' Home for the years 1909 and 1910.

On motion of Mr. Piercy, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Senate Bill No. 26—An Act to pay the deficiencies in the appropriation for the years 1909 and 1910.

On motion of Mr. Fitzgerald, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

By Mr. Merritt:

Assembly Bill No. 64—An Act to make criminal certain outrages upon public morals and injuries to public decency, and to provide for the punishment of violations of this Act.

On motion of Mr. Merritt, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Public Morals.



By Mr. Byington.

Assembly Bill No. 65—An Act to authorize the deposit of state and county moneys in banks in the State, or in the several counties of the State, and regulating the method and procedure thereof, and to fix the rate and payment of interest thereon, and to provide for and fix security for funds so deposited, and for the approval thereof, and to authorize the negotiating of certificates of such deposit, and to repeal all Acts or parts of Acts in conflict with this Act.

On motion of Mr. Byington, duly seconded, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Banks and Banking.

By Mr. Denton:

Assembly Bill No. 66—An Act to provide a fireproof structure for the preservation and exhibition of the library, manuscripts, museum and collections of the Nevada Historical Society, and for the accommodation until otherwise provided of the University Library.

On motion of Mr. Denton, duly seconded, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

By Mr. Price:

Assembly Bill No. 67—An Act to regulate the qualifications of persons applying for certificates to teach in the public schools in the State of Nevada.

On motion of Mr. Price, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on State Institutions.

By Mr. Sullivan:

Assembly Bill No. 68—An Act to fix the salary of the Justice of the Peace of Blair Township, Esmeralda County, State of Nevada.

On motion of Mr. Sullivan, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Esmeralda Delegation.

By Mr. Frohlich:

Assembly Bill No. 69—An Act to amend an Act entitled "An Act to incorporate the town of Reno, and to establish a city government therefor," approved March 16, 1903, approved March 13, 1905.

On motion of Mr. Campbell, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Washoe Delegation.

By Committee on Judiciary (by leave):

Assembly Bill No. 70—An Act to regulate proceedings in civil cases in this State, and to repeal all other Acts in relation thereto.

On motion of Mr. Robins, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Judiciary.

By Mr. Evans:

Assembly Bill No. 71—An Act for the regulation and control of fraternal benefit societies.



## THE FORTY-FOURTH DAY

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CARSON CITY (Tuesday), February 28, 1911.

House convened at 10:30 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by the Chaplain, Rev. H. H. McCreery.

The Sergeant-at-Arms announced a message from the Senate.

The reading of the Journal was proceeded with.

On motion of Mr. Fitzgerald, duly seconded, further reading of the Journal was dispensed with, and the same approved as read.

### REPORTS OF COMMITTEES

The Committee on Ways and Means reported on the following bills which it had had under consideration:

Senate Substitute for Senate Bill No. 36, favorably, with the recommendation that it do pass, and, further, that it be made a special order of business for 1:30 p. m. today.

Assembly Bill No. 115, favorably, with the recommendation that it do pass with the following amendments: That the appropriation be cut from fifty thousand dollars to thirty thousand dollars.

Senate Substitute for Senate Bill No. 56, favorably, with the recommendation that it be referred to the Committee of the Whole, and that it do pass.

The Committee on Fish and Game reported Assembly Bill 145 without recommendation.

The Committee on Judiciary reported Assembly Bills Nos. 99 and 70 with substitutes therefor, with the recommendation that the substitutes do pass.

The Clark Delegation reported favorably on Assembly Bill 186, with the recommendation that it do pass.

The Humboldt Delegation reported favorably on Assembly Bills Nos. 175 and 177, with the recommendation that they do pass.

The Esmeralda Delegation reported favorably on Senate Bill No. 51, with the recommendation that it do pass.

The Storey and Lyon Delegations reported Assembly Bill No. 167 without recommendation, and recommended that it be made a special order for Thursday, March 2, 1911, at 1:45 p. m.

On motion of Mr. Meder, duly seconded, the report on Senate Bill No. 36 was adopted.

On motion of Mr. Cocks, duly seconded, the committee report on Assembly Bill No. 167 was adopted.

On motion of Mr. Campbell, duly seconded, the rules were suspended, and Assembly Bill No. 120 was referred to Committee of the Whole.

On motion of Mr. Ayres, duly seconded, Assembly Bill No. 70 was made a special order of business for 1:30 p. m., Friday, March 3, 1911.

#### MESSAGES FROM THE SENATE

Messages from the Senate were read, transmitting for consideration the following bills and resolutions:

Assembly Bill No. 96, which passed by a vote of yeas, 14; nays, none; absent, 5.

Senate Bill No. 90, which passed by a vote of yeas, 14; nays, none; absent, 5.

Senate Bill No. 79, which passed by a vote of yeas, 13; nays, none; absent, 6.

Senate Bill No. 81, which passed by a vote of yeas, 13; nays, none; absent, 6.

Senate Bill No. 80, which passed by a vote of yeas, 14; nays, none; absent, 5.

Senate Bill No. 70, which passed by a vote of yeas, 14; nays, none; absent, 5.

Substitute for Assembly Bill No. 31, which passed by a vote of yeas, 14; nays, none; absent, 5.

Senate Bill No. 55, which passed by a vote of yeas, 14; nays, none; absent, 5.

Assembly Bill No. 93, which passed by a vote of yeas, 13; nays, none; absent, 6.

Assembly Bill No. 69, which passed by a vote of yeas, 14; nays, none; absent, 5.

On motion of Mr. Drysdale, duly seconded, Assembly Bill No. 69 was sent to the Enrolling Committee.

#### REPORTS OF COMMITTEES

The Washoe Delegation reported favorably on Assembly Bill No. 171, with the recommendation that it do pass.

On motion of Mr. Mau, duly seconded, Assembly Bill No. 31 was sent to the Enrolling Committee.

On motion of Mr. Mau, duly seconded, Assembly Bill No. 93 was sent to the Enrolling Committee.

On motion of Mr. Denton, duly seconded, the House now resolved itself into Committee of the Whole to consider Assembly Bill No. 105, and any other business that may come before it; also, that Surveyor-General Deady and Superintendent of Public Instruction Bray be invited to address the committee.

Mr. Booth in the chair.

#### HOUSE IN SESSION

Mr. Speaker in the chair.

The Committee of the Whole reported Assembly Bill No. 105 favorably, with the recommendation that it do pass.

It reported Assembly Bill No. 120 unfavorably, with the recommendation that it do not pass.

## THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 3, 1911.

House convened at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Byrne and Sullivan, who were excused.

Prayer by the Chaplain, Rev. W. H. D. Hornaday.

Reading of the Journal proceeded with.

On motion of Mr. Coppernoll, duly seconded, further reading of the Journal was dispensed with, and the Journal approved as written.

On motion of Mr. Evans, duly seconded, Assembly Bill No. 157 was made a special order of business for 1:30 p. m. today.

On motion of Mr. Mayers, duly seconded, Assembly Bill No. 70, which was made a special order of business for 1:30 p. m. today, was vacated and made a special order of business for 7 o'clock every evening until the reading was completed, and that the Sergeant-at-Arms delegate ten members to remain in the House after roll-call every evening to listen to the reading.

The Sergeant-at-Arms announced a message from the Senate.

### REPORTS OF COMMITTEES

The Committee on Enrollment reported that it had carefully compared Assembly Enrolled Bills Nos. 35 and 101, and found the same to be correctly enrolled.

The Committee on Roads and Highways reported favorably on Assembly Bill No. 210, with the recommendation that it pass.

The Committee on Mines and Mining reported favorably on Senate Bill No. 66, with the recommendation that it pass.

The Clark Delegation reported unfavorably on Assembly Bill No. 134, with the recommendation that it do not pass.

The White Pine Delegation reported favorably on Assembly Bill No. 221, with the recommendation that it pass.

### MESSAGES FROM THE SENATE

Messages from the Senate were read, transmitting for consideration the following bills and resolutions:

Assembly Bill No. 87, which passed by a vote of yeas, 18; nays, none; absent, 1.

Substitute for Assembly Bill No. 74, which passed by a vote of yeas, 15; nays, 4; absent, 1.

Senate Bill No. 94, which passed by a vote of yeas, 15; nays, 4.

Assembly Bill No. 50, which passed by a vote of yeas, 17; nays, 2.



Assembly Bill No. 167 placed on its final passage, and lost by the following vote:

YEAS—Messrs. Bulmer, Cocks, Drysdale, Evans, Hacker, Malloy, Mau, Mayers, Meder, O'Connor, and Salter—11.

NAYS—Messrs. Ayres, Booth, Bradshaw, Byington, Campbell, Coxe, Coppernoll, Denton, Enslow, Fallon, Fitzgerald, Fulmer, Jones of Clark, Jones of Washoe, Kemm, Merritt, Miller, McBride, McIntosh, Plummer, Robins, Shilling, Schmidt, Schoer, Staunton, Stickney, White, Williams, and Wilson—29.

Absent—Messrs. Arnold, Byrne, Kendall, and Sullivan—4.

Not voting—Messrs. Donahoue, Fay, Piercy, Price, and Mr. Speaker—5.

On motion of Mr. Denton, duly seconded, the House took a recess until 7 p. m.

Recess taken at 4:35 p. m.

### HOUSE IN SESSION

At 7 p. m.

Mr. Booth, Speaker pro tem., in the chair.

Roll called.

Quorum present.

The Committee on Enrollment reported that it had carefully compared Assembly Enrolled Bills Nos. 174, 31, 93, 96, 69, 102, 95, 40, and 85, with the engrossed copies and found same correctly enrolled.

### SPECIAL ORDER

Senate Substitute for Assembly Bill No. 70, having been made a special order for this time, was taken up.

Senate Substitute for Assembly Bill No. 70 was adopted and placed on its third reading.

On motion of Mr. Piercy, duly seconded, Assembly Rule No. 58 was dispensed with at evening session.

On motion of Mr. Campbell, Senate Substitute for Assembly Bill No. 70 was considered engrossed.

On motion of Mr. Frohlich, duly seconded, Assembly Substitute for Assembly Bill No. 70 was made a special order for 11 a. m., Saturday, March 4, 1911.

On motion of Mr. Robins, duly seconded, further reading of Senate Substitute for Assembly Bill No. 70 was made a special order for 3 p. m., Saturday, March 4, 1911.

On motion of Mr. Robins, the House adjourned until 10:30 a. m. March 4, 1911.

House adjourned at 10:05 p. m.

Approved:

A. C. FROHLICH,

*Speaker of the Assembly.*

Attest: DAN E. MORTON,

*Chief Clerk of the Assembly.*

**THE FORTY-EIGHTH DAY**

CARSON CITY (Saturday), March 4, 1911.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Arnold, Byrne, and Sullivan, who were excused.

Prayer by the Chaplain, Rev. H. H. McCreery.

Reading of the Journal proceeded with.

On motion of Mr. Jones of Clark, duly seconded, further reading of the Journal was dispensed with, and the same approved.

**REPORTS OF COMMITTEES**

The Committee on Corporations and Railroads reported favorably on Assembly Bills Nos. 192 and 204, with the recommendation that they pass.

The Committee on Federal Relations reported on Assembly Bill No. 213, with the recommendation that it pass with the following amendment: By striking out the words "after the expiration of the period applicable to the case as hereinbefore provided," commencing in line 10 of Section 2.

The Committee on Ways and Means reported on the following bills: Senate Bill No. 55, favorably, with the recommendation that it pass.

Assembly Bill No. 222, favorably, with the recommendation that it pass.

The Committee on Education reported favorably on Assembly Joint and Concurrent Resolution No. 16, with the recommendation that it pass.

The Committee on Agriculture reported favorably on Assembly Bill No. 218, with the recommendation that it pass.

The Committee on Claims reported on the following bills:

Assembly Bills No. 168 and 169, unfavorably, with the recommendation that they do not pass.

Assembly Bill No. 184, favorably, with the recommendation that it pass.

The Humboldt Delegation reported favorably on Assembly Bill No. 194, and recommended that it pass with the following amendments:

By striking out all the words in the title after the word "town" in line 6 and by inserting in lieu thereof the following words: "And authorizing the County Board of Education of said county to purchase a site and to construct and equip and furnish said building." Strike out all words after the word "county" in line 3 of Section 1 and up to the word "for" in line 4 of Section 1. Strike out the words "the same" in line 6 of Section 6 and insert the words "the County High-School Fund" in lieu thereof. Strike out the words "said Board of County Commissioners" in line 1 of Section 7 and insert in lieu thereof the words "County Board of Education of Humboldt County." Strike out the words "the," "of" and

this body have been guided by agents and lobbyists of such corporate interests in casting their votes upon certain legislative bills vitally affecting the welfare of the people; and

WHEREAS, This Assembly, while inviting just and fearless criticism of its actions, resents any untimely and unmerited aspersions or slurs upon the honesty of purpose or honor of any of its members, and will resist, by every means in its power, any attempt on the part of corporations or private individuals to exercise any pernicious influence on Nevada legislation; therefore, be it

*Resolved*, That a committee of five members of the Assembly be immediately appointed by the Speaker and be hereby authorized and directed to inquire into and report to the Assembly within seven days after their appointment the political or business relations, if any there be, existing between any of the members of this body and the Southern Pacific Railroad Company, or any other large corporation, or with L. A. Blakeslee, or any other corporation agent or lobbyist; and, further, to inquire into and report to this body whether any of its members have been influenced in their official votes in this body by any such company or by any of its agents or lobbyists.

On motion of Mr. Fulmer, duly seconded, the resolution was adopted, whereupon the Chair appointed the following committee: Messrs. Merritt, Drysdale, Coxe, Hacker, and Byington.

On motion of Mr. Donahoue, duly seconded, Assembly Bill No. 186 was placed on the top of the file.

#### SPECIAL ORDER

Substitute for Assembly Bill No. 70, having been made a special order for this time, was taken up, placed on its final passage, and passed by the following vote:

YEAS—Messrs. Booth, Bradshaw, Byington, Coxe, Cocks, Denton, Donahoue, Drysdale, Enslow, Evans, Fallon, Fay, Fitzgerald, Fulmer, Hacker, Jones of Clark, Kemm, Kendall, Mau, Mayers, Meder, Merritt, McBride, Miller, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Salter, Shilling, Schmidt, Schoer, Staunton, Stickney, White, Williams, and Wilson—39.

NAYS—Mr. Malloy.

Absent—Messrs. Arnold, Ayres, Bulmer, Byrne, Campbell, Coppernoll, Jones of Washoe, Sullivan, and Mr. Speaker—9.

On motion of Mr. Piercy, duly seconded, the rules were suspended, and Order of Business No. 10 taken up.

#### INTRODUCTION AND FIRST READING

By Ways and Means Committee (by leave):

Assembly Bill No. 248—An Act to repeal an Act entitled "An Act to authorize the Secretary of State to employ a stenographer, and fixing the compensation," approved February 21, 1905.

On motion of Mr. Fulmer, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee of the Whole.

By Ways and Means Committee (by leave):

Assembly Bill No. 249—An Act to repeal an Act entitled "An Act to authorize the Controller of State and ex officio Commissioner of Insurance to employ a stenographic clerk, and fixing the compensation," approved March 9, 1905.

On motion of Mr. Fulmer, duly seconded, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee of the Whole.

By Mr. Shilling (by leave):

Assembly Bill No. 252—An Act authorizing the Inspector of Mines to purchase certain equipment for emergency use for fighting fires, rescue work, and resuscitating persons overcome with smoke or gases in mines.



## THE FIFTY-FIRST DAY

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CARSON CITY (Tuesday), March 7, 1911.

The Senate was called to order at 10:30 a. m.

President Ross presiding.

Roll called.

Absent by leave—Senator Syphus.

Quorum present.

Prayer by the Chaplain, Rev. L. B. Thomas.

On motion of Senator Miller, the Journal was approved as though read.

### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Judiciary have had Senate Joint and Concurrent Resolution No. 11 under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass.

Also, Senate Bill No. 75, and report unfavorably thereon, with the recommendation that it do not pass for the reason that it will permit of secret liens against real estate of which there is no record, and taxes the heir's portion of community property.

Also, Senate Joint and Concurrent Resolution No. 10, and report favorably thereon, with the recommendation that it do pass.

CLAY TALLMAN, *Chairman*.

*Mr. President:*

Your Committee on Mileage have had Senate Bill No. 141 under consideration, and report the same without recommendation.

A. W. HOLMES, *Chairman*.

*Mr. President:*

Your Committee on Education have had Senate Bills Nos. 119 and 129 under consideration, and beg leave to report favorably on the same, with the recommendation that they pass.

Also, Senate Bill No. 44, and report a substitute therefor, with the recommendation that the substitute pass.

Also, Senate Bill No. 114, and report unfavorably thereon, with the recommendation that it do not pass.

J. A. ASCHER, *Chairman*.

*Mr. President:*

Your Committee on Ways and Means beg leave to report as follows on the following bills:

Favorably on Senate Bill No. 91 and Assembly Bill No. 215, with the recommendation that they pass.

Unfavorably on Senate Bills Nos. 46, 128, and 132, with the recommendation that they do not pass.

Senate Bills Nos. 122 and 139 and Assembly Bill No. 82 without recommendation.

Favorably on Senate Bill No. 121, when amended as follows: In line 1 of section 3 change the figures "\$9,000" to read "\$8,000."

H. H. CORYELL, *Chairman*.

*Mr. President:*

Your Committee on Claims have had Assembly Bill No. 116 under consideration, and beg leave to report the same without recommendation,

THOS. DOLF, *Chairman*.

*Mr. President:*

Your Committee on Counties and County Boundaries have had Senate Bill No. 120 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

B. H. REYMERS, *Chairman.*

*Mr. President:*

Your Committee on Elections have had Senate Bill No. 137 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

L. N. CARPENTER, *Chairman.*

*Mr. President:*

Your Committee on Mines and Mining have had Senate Bill No. 95 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

Also, Senate Bill No. 83, and beg leave to report favorably on the same, with the recommendation that it do pass with amendments offered.

ZEB KENDALL, *Chairman.*

*Mr. President:*

Your Committee, the Nye County Delegation, have had Senate Bill No. 136 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

CLAY TALLMAN,  
ZEB KENDALL.

#### MESSAGES FROM THE ASSEMBLY

*To the Honorable the Senate:*

I have the honor herewith to present for the consideration of your honorable body Substitute for Assembly Bill No. 70—An Act to regulate proceedings in civil cases in this State, and to repeal all other Acts relating thereto—which passed the Assembly by the following vote: Yeas, 39; nays, 1; absent, 9.

Assembly Joint and Concurrent Resolution No. 16, which passed: Yeas, 36; nays, none; absent, 12; not voting, 1.

Assembly Bill No. 129—An Act to fix the salary of the Justice of the Peace of Caliente Township, Lincoln County, State of Nevada—which passed: Yeas, 39; nays, none; absent, 10.

Assembly Bill No. 130—An Act to amend section five of an Act entitled an Act regulating the sheep industry of the State of Nevada, creating a State Board of Sheep Commissioners, defining their duties and prescribing their compensation, approved March 26, 1907—which passed: Yeas, 40; nays, 1; absent, 7; not voting, 1.

Assembly Joint and Concurrent Resolution No. 6, relative to amending section one of article two of the Constitution of the State of Nevada, pertaining to the right of elective franchise—which passed: Yeas, 31; nays, 13; absent, 4; not voting, 1.

Substitute for Senate Bill No. 56, which passed: Yeas, 32; nays, 8; absent, 7; not voting, 2.

Assembly Bill No. 260—An Act authorizing the Enrolling Committee of the Assembly of the Twenty-fifth Session of the Legislature of the State of Nevada to employ additional assistants to the enrolling clerks of said Assembly, at a remuneration stated therein—which passed: Yeas, 35; nays, none; absent, 13; not voting, 1.

Assembly Substitute for Assembly Bill No. 110—An Act authorizing the Board of County Commissioners of Washoe County, State of Nevada, to issue bonds to provide for the construction, and to construct a bridge across the Truckee River at the point of intersection of the east and west center line of Section 7, Township 19 north, Range 20 east, M. D. B. & M., and the said Truckee River, and directing the payments of said bonds—which passed: Yeas, 37; nays, none; absent, 12.

Assembly Substitute for Assembly Bill No. 78—An Act to amend section 1 of an Act entitled an Act to provide for the destruction of noxious animals and to repeal an Act relating thereto—which passed: Yeas, 34; nays, none; absent, 10; not voting, 5.



On motion of Senator Bergman, Senate Bill No. 95 was considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Senators Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Mills, Reymers, Sweeney, Tallman, and Tannahill—16.

NAYS—None.

Absent—Senators Ascher, Miller, and Syphus—3.

#### INTRODUCTION AND FIRST READING

By the Judiciary Committee:

Senate Bill No. 124.

Senator Tallman was granted leave to introduce a substitute for Senate Bill No. 124.

On motion of Senator Tallman, the substitute was adopted, considered engrossed, and placed on third reading and final passage.

A message was received from the Assembly.

#### MESSAGES FROM THE ASSEMBLY

*To the Honorable the Senate:*

I have the honor herewith to transmit to your honorable body Assembly Bill No. 268—An Act granting to the Tonopah Sewer and Drainage Company, the right, privilege and franchise to supply and furnish to the Town of Tonopah and additions to said town sewage and sewer service, and to charge rentals therefor, and ratifying and confirming a certain grant of sewer franchise made to the Tonopah Sewer and Drainage Company on the first day of May, 1905, by the Board of County Commissioners of Nye County, and other matters relating thereto—which passed the Assembly by the following vote: Yeas, 39; nays, none; absent, 9; not voting, 1.

J. S. WILSON,

*Assistant Chief Clerk of the Assembly.*

#### INTRODUCTION AND FIRST READING

Assembly Bill No. 268—An Act granting to the Tonopah Sewer and Drainage Company the right, privilege and franchise to supply and furnish to the Town of Tonopah and additions to said town sewage and sewer service, and to charge rentals therefor, and ratifying and confirming a certain grant of sewer franchise made to the Tonopah Sewer and Drainage Company on the first day of May, 1905, by the Board of County Commissioners of Nye County, and other matters relating thereto.

On motion of Senator Kendall, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Nye Delegation.

On motion of Senator Bergman, the Senate took a recess until 7:30 p. m.

#### SENATE IN SESSION

At 7:30 p. m.

President Ross presiding.

Roll called.

Absent—Senators Holmes and Syphus.

Quorum present.

#### INTRODUCTION AND FIRST READING

Assembly Bill No. 130—An Act to amend section 5 of an Act entitled "An Act regulating the sheep industry of the State of Nevada, creating



a State Board of Sheep Commissioners, defining their duties and prescribing their compensation," approved March 26, 1907.

On motion of Senator Mack, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Assembly Bill No. 129—An Act to fix the salary of the Justice of the Peace of Caliente Township, Lincoln County, State of Nevada.

On motion of Senator Bergman, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Lincoln Delegation.

Assembly Joint and Concurrent Resolution No. 16.

On motion of Senator Tallman, the rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Education.

Assembly Bill No. 110—An Act to authorize the Board of County Commissioners of the County of Washoe, State of Nevada, to issue bonds to provide for the construction of, and to construct, a bridge across the Truckee River at the point of intersection of the east and west center line of Section 7, Township 19 north, Range 20 east, M. D. B. & M., and the said Truckee River.

On motion of Senator Ascher, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Washoe Delegation.

Assembly Substitute for Assembly Bill No. 78—An Act to amend section one of an Act entitled "An Act to provide for the destruction of noxious animals and to repeal an Act relating thereto," approved February, 3, 1887.

On motion of Senator Bergman, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Fish and Game.

Assembly Joint and Concurrent Resolution No. 6, relative to amending section one of article two of the Constitution of the State of Nevada, pertaining to the right of elective franchise.

On motion of Senator Bell, the rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Education.

Assembly Bill No. 260—An Act authorizing the Enrolling Committee of the Assembly of the Twenty-fifth Session of the Legislature of the State of Nevada to employ additional assistants to the Enrolling Clerk of said Assembly, at a remuneration stated therein.

On motion of Senator Bergman, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Assembly Substitute for Assembly Bill No. 70.

On motion of Senator Bergman, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Judiciary.

A message was received from the Assembly.

## THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 8, 1911.

The Senate was called to order at 10:30 a. m.

President Ross presiding.

Roll called.

Absent by leave—Senators Heffernan, Miller, Reymers, and Syphus.

Quorum present.

Prayer by the Chaplain, Rev. L. B. Thomas.

On motion of Senator Tannahill, the Journal was approved as though read.

### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Elections have had Senate Bill No. 134 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

L. N. CARPENTER, *Chairman.*

*Mr. President:*

Your Committee on Claims and State Affairs have had Senate Bill No. 146 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

THOS. DOLF, *Chairman.*

*Mr. President:*

Your Committee, the Lincoln County Delegation, have had Assembly Bill No. 129 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

LEVI SYPHUS, *Chairman.*

*Mr. President:*

Your Committee, the Washoe County Delegation, have had Assembly Bill No. 110 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

A. W. HOLMES, *Chairman.*

### MESSAGES FROM THE ASSEMBLY

*To the Honorable the Senate:*

I have the honor herewith to transmit to your honorable body Assembly Bill No. 153—An Act to amend certain sections of an Act entitled "An Act relating to children who are now or who may hereafter become dependent, neglected or delinquent, to define these terms and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the person of such child or children," approved March 24, 1909—which passed: Yeas, 31; nays, 1; absent, 16; not voting, 1.

Assembly Bill No. 15—An Act to repeal an Act entitled "An Act creating and establishing a State Industrial and Publicity Commission, prescribing their duties and compensation, providing funds to be used for the accomplishment of their objects, and other matters relating thereto," approved March 29, 1907—which passed: Yeas, 33; nays, 11; absent, 3; not voting, 2.

Substitute for Assembly Bill No. 23—An Act reapportioning Senators and Assemblymen of the several counties to the Legislature of the State of Nevada—which passed: Yeas, 32; nays, 13; absent, 3; not voting, 1.

Assembly Bill No. 184—An Act for the relief of W. S. Ballard—which passed: Yeas, 36; nays, none; absent, 10; not voting, 3.

Assembly Bill No. 232—An Act to validate the incorporation of the City of



SENATE IN SESSION

At 7:30 p. m.

President pro tem. Tallman presiding.

Roll called.

Absent—Senators Carpenter, Heffernan, Holmes, Mack, and Syphus.  
Quorum present.

On motion of Senator Balzar, the Senate resolved itself into Committee of the Whole for the consideration of such business as might come before it, Senator Balzar presiding.

REPORT OF COMMITTEE OF THE WHOLE

*Mr. President:*

Your Committee of the Whole have had under consideration Senate Bill No. 121, and beg leave to report favorably on the same, with the recommendation that the amendments recommended by the Committee on Ways and Means be adopted.

Also, Senate Bills Nos. 91, 122, 129, 139, 146, and Assembly Bill No. 215, and beg leave to report favorably on the same, with the recommendation that they pass.

Also, Assembly Bill No. 82, and beg leave to report the same without recommendation.

GENERAL FILE AND THIRD READING

On motion of Senator Ascher, Substitute for Assembly Bill No. 193 was placed at the bottom of the file.

REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Education have had Senate Bill No. 151 and Senate Joint and Concurrent Resolution No. 12 under consideration, and report favorably thereon, with the recommendation that they do pass.

Also, Assembly Joint and Concurrent Resolution No. 16, and report unfavorably thereon, with the recommendation that it do not pass, as bills covering the same ground have already passed the Senate.

Also, Senate Bill No. 109, and report favorably thereon, with the recommendation that it do pass when amended as follows: Insert after the word "teaching" in line 16 of the printed bill the words "or not in real need of the benefits of this Act."

J. A. ASCHER, *Chairman.*

*Mr. President:*

Your Committee on Ways and Means beg to report upon the following bills: Senate Bills Nos. 93, 118, 125, 147, 157, and Assembly Bills Nos. 130 and 260 favorably, with the recommendation that they do pass.

Assembly Bill No. 115 and Senate Bill No. 143 without recommendation.

Senate Bill No. 154 unfavorably, with the recommendation that it do not pass.

H. H. CORYELL, *Chairman.*

*Mr. President:*

Your Committee on Judiciary beg leave to report on the following bills: Senate Bills Nos. 130 and 153 and Assembly Bill No. 15 favorably, with the recommendation that they do pass; Assembly Bill No. 70 and Senate Bill No. 138 without recommendation.

CLAY TALLMAN, *Chairman.*

*Mr. President:*

Your Committee, the Ormsby County Delegation, have had Senate Bill No. 161 under consideration, and beg leave to report favorably thereon, with the recommendation that it do pass.

GEO. T. MILLS, *Chairman.*



## THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 10, 1911.

The Senate was called to order at 10:30 a. m.

President pro tem. Tallman presiding.

Roll called.

Absent by leave—Senator Jones.

Quorum present.

Prayer by the Chaplain, Rev. L. B. Thomas.

On motion of Senator Miller, the Journal was approved as though read.

### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Military Affairs have had Senate Bill No. 163 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

W. H. SWEENEY, *Chairman.*

*Mr. President:*

Your Committee on Enrollment have carefully compared Senate Enrolled Bills Nos. 55, 8, 69, and 76, Senate Substitute for Senate Bill No. 56, and Senate Joint and Concurrent Resolution No. 6 with the engrossed copies, and find the same correctly enrolled, and have this day delivered the same to the Governor.

GEO. T. MILLS, *Chairman.*

*Mr. President:*

Your Committee on Education have had Assembly Joint and Concurrent Resolution No. 16 under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass, as bills covering the same grounds have already passed the Senate.

Also, Assembly Joint and Concurrent Resolution No. 6, and report the same back without recommendation.

J. A. ASCHER, *Chairman.*

*Mr. President:*

Your Committee on Railroads have had Assembly Bill No. 258 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

W. J. BELL, *Chairman.*

*Mr. President:*

Your Committee on Corporations have had Assembly Bill No. 100 under consideration, and beg leave to report the same back without recommendation.

WILL F. HEFFERNAN, *Chairman.*

*Mr. President:*

Your Committee, the Esmeralda County Delegation, have had Senate Bill No. 105 under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass.

WILL F. HEFFERNAN, *Chairman.*

*Mr. President:*

Your Committee, the Churchill County Delegation, have had Substitute for Assembly Bill No. 92 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

THOS. DOLF, *Chairman.*

*Mr. President:*

Your Committee on Ways and Means have had Senate Bill No. 11 under consideration, and beg leave to report a substitute for the same, with the recommendation that it do pass.

On motion of Senator Tannahill, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Education.

#### GENERAL FILE AND THIRD READING

On motion of Senator Mills, Assembly Joint and Concurrent Resolution No. 6 was taken up out of order.

On motion of Senator Bergman, the resolution was placed at the bottom of the file, on account of not having been printed.

On motion of Senator Miller, Assembly Joint and Concurrent Resolution No. 16 was laid upon the table.

On motion of Senator Bergman, Assembly Bill No. 186 was made a special order for 3 p. m., March 10, 1911.

On motion of Senator Holmes, Substitute for Assembly Bill No. 70 was made a special order from 3 p. m. to 4 p. m., and each day following until completed.

Assembly Substitute for Assembly Bill No. 78 was passed by the following vote:

YEAS—Senators Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Kendall, Miller, Mills, Reymers, Sweeney, Syphus, and Tannahill—15.  
NAYS—Senators Mack and Tallman—2.  
Absent—Senators Ascher and Jones—2.

On motion of Senator Reymers, Senate Bill No. 138 was considered engrossed.

On motion of Senator Bergman, Senate Bill No. 138 was indefinitely postponed.

On motion of Senator Kendall, Senate Bill No. 140 was indefinitely postponed.

A motion by Senator Mills, that Senate Joint and Concurrent Resolution No. 13 be indefinitely postponed, was lost.

On motion of Senator Bell, the resolution was considered engrossed, read third time, and passed by the following vote:

YEAS—Senators Ascher, Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Kendall, Miller, Mills, Sweeney, Syphus, and Tallman—15.  
NAYS—Senators Mack, Reymers, and Tannahill—3.  
Absent—Senator Jones.

Senator Mills gave notice that he would on the next legislative day move to reconsider the vote by which Senate Joint and Concurrent Resolution No. 13 was carried.

On motion of Senator Balzar, the Senate took a recess until 2 p. m.

#### SENATE IN SESSION

At 2 p. m.

President pro tem. Tallman presiding.

Roll called.

Absent—Senators Jones and Sweeney.

Quorum present.

## THE FIFTY-FIFTH DAY

CARSON CITY (Saturday), March 11, 1911.

The Senate was called to order at 10:30 a. m.

President Ross presiding.

Roll called.

Absent by leave—Senator Tallman.

Quorum present.

Prayer by the Chaplain, Rev. L. B. Thomas.

On motion of Senator Reymers, the Journal was approved as though read.

### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee, the Elko County Delegation, have had Assembly Bills Nos. 156 and 158 under consideration, and beg leave to report favorably on the same, with the recommendation that they do pass.

H. J. JONES, *Chairman*.

*Mr. President:*

Your Committee, the Lincoln County Delegation, have had Assembly Bill No. 205 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

LEVI SYPHUS, *Chairman*.

*Mr. President:*

Your Committee, the Douglas County Delegation, have had Senate Bill No. 173 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

M. MACK, *Chairman*.

*Mr. President:*

Your Committee, the Ormsby County Delegation, have had Assembly Bill No. 163 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

GEO. T. MILLS, *Chairman*.

*Mr. President:*

Your Committee on Fish and Game have had Senate Bill No. 174 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

H. H. CORYELL, *Chairman*.

*Mr. President:*

Your Committee on Education have had Senate Bill No. 172 under consideration, and beg leave to report the same without recommendation.

J. A. ASCHER, *Chairman*.

A message from the Governor announcing his approval of Assembly Bill No. 17, and recommending amendments, was read.

### MESSAGES FROM THE ASSEMBLY

*To the Honorable the Senate:*

I have the honor herewith to present for the consideration of your honorable body Assembly Bill No. 221—An Act to amend an Act entitled "An Act to authorize the Board of School Trustees of East Ely School District to issue negotiable coupon bonds for the purpose of purchasing or erecting and furnishing



Senate Bill No. 157 was passed by the following vote:

YEAS—Senators Ascher, Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Mack, Miller, Reymers, Sweeney, Syphus, Tallman, and Tannahill—17.

NAYS—None.

Absent—Senators Kendall and Mills—2.

On motion of Senator Ascher, Senate Bill No. 154 was indefinitely postponed.

On motion of Senator Tallman, Senate Bill No. 163 was placed at the bottom of the file.

On motion of Senator Reymers, Senate Bill No. 152 was considered engrossed.

On motion of Senator Tallman, Senate Bill No. 152 was laid upon the table.

On motion of Senator Mills, Senate Bill No. 167 was considered engrossed.

On motion of Senator Mack, Senate Bill No. 167 was referred to Committee of the Whole.

On motion of Senator Holmes, Senate Bill No. 169 was referred to Committee of the Whole.

On motion of Senator Holmes, Senate Bill No. 171 was referred to Committee of the Whole.

On motion of Senator Mack, it was ordered that after the reading of Senate Bill No. 172 the vote be postponed until the following legislative day.

On motion of Senator Ascher, Senate Bill No. 151 was made a special order for March 13th, at 2 p. m.

On motion of Senator Reymers, Senate took a recess until 7:30 p. m.

### SENATE IN SESSION

At 7:30 p. m.

President Ross presiding.

Roll called.

Absent—Senators Ascher, Coryell, Dolf, Reymers, Syphus, and Tannahill.  
Quorum present.

The time having arrived for special order, Senate Bill No. 172 was taken up for third reading.

On motion of Senator Bergman, Senate Bill No. 172 was considered engrossed.

Senator Bergman was called to the chair.

The third reading of Senate Bill No. 172 was completed.

#### Substitute for Assembly Bill No. 70.

On motion of Senator Heffernan, the Secretary was instructed to amend line 5 of section 24 by striking out the word "descened" and inserting the word "descend."

On motion of Senator Tallman, it was ordered that a vote on Substitute for Assembly Bill No. 70 be taken on Monday, March 13, 1911.

## THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), March 13, 1911.

House convened at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Arnold.

Prayer by the Chaplain, Rev. W. H. D. Hornaday.

On motion of Mr. Robins, duly seconded, the reading of the Journal was dispensed with and the same approved as it stood.

Speaker pro tem. in the chair.

### REPORTS OF COMMITTEES

The Committee on Judiciary reported Assembly Bills Nos. 228, 282, 273, 274, and 277, Senate Bill No. 106, and Senate Concurrent Resolution No. 9, without recommendation.

The Committee on Fish and Game reported favorably on Assembly Bill No. 284, with the recommendation that it pass.

The Committee on Mines and Mining reported favorably on Senate Bill No. 248, with the recommendation that it pass.

The Nye Delegation reported favorably on Senate Bill No. 130, with the recommendation that it pass.

The Ormsby Delegation reported favorably on Senate Bill No. 161, with the recommendation that it pass.

### MESSAGES FROM THE SENATE

Messages from the Senate were read, transmitting for consideration the following bills and resolutions:

Assembly Bill No. 258, which passed—Yeas, 18; nays, none; absent 1.

Assembly Bill No. 115, which passed—Yeas, 17; nays, none; absent 2.

Senate Bill No. 176, which passed—Yeas, 17; nays, none; absent, 2.

Senate Bill No. 83, which passed—Yeas, 16; nays, none; absent, 3.

Senate Bill No. 131, which passed—Yeas, 16; nays, none; absent, 3.

Senate Joint and Concurrent Resolution No. 13, which passed—Yeas, 15; nays, 3; absent, 1.

Senate Bill No. 129, which passed—Yeas, 17; nays, none; absent, 2.

Senate Bill No. 173, which passed—Yeas, 14; nays, none; absent, 5.

Senate Bill No. 167, which passed—Yeas, 17; nays, none; absent, 2.

Senate Substitute for Senate Bill No. 132, which passed—Yeas, 17; nays, none; absent, 2.

Senate Bill No. 147, which passed—Yeas, 17; nays, none; absent, 2.

Senate Bill No. 118, which passed—Yeas, 16; nays, 2; absent, 1.

A message from the Senate was received in which the Senate refused to recede from its amendments to Assembly Bill No. 82, and a conference committee was ordered appointed on behalf of the same.

On motion of Mr. Evans, duly seconded, Assembly Bill No. 244 was made a special order for 9:30 p. m. today.

MESSAGES FROM THE SENATE

Messages from the Senate were read, transmitting Substitute for Assembly Bill No. 70, which passed—Yeas, 18; nays, none; absent, 1.

Assembly Bill No. 173, which passed—Yeas, 18; nays, none; absent, 1.

Senate Bill No. 68, which the Senate returned, having refused to concur in the Assembly amendments.

Assembly Bill No. 283, which passed—Yeas, 17; nays, none; absent, 2.

On motion of Mr. Ayres, duly seconded, the Assembly receded from its amendments to Senate Bill No. 68.

On motion of Mr. Malloy, duly seconded, the amendments offered by the Senate on Assembly Bill No. 283 were concurred in.

The Sergeant-at-Arms announced a message from the Senate.

On motion of Mr. Coxe, duly seconded, the amendments offered by the Senate on Assembly Bill No. 173 were concurred in.

On motion of Mr. Jones of Washoe, duly seconded, a special committee of three was appointed to consider amendments offered by the Senate on Substitute for Assembly Bill No. 70.

The Chair appointed Messrs. Ayres, Coxe, and Robins.

On motion of Mr. Booth, duly seconded, Senate Bill No. 96 was placed on final passage, and lost by the following vote:

YEAS—Messrs. Arnold, Booth, Byrne, Denton, Donahoue, Evans, Fitzgerald, Kemm, Meder, O'Connor, Piercy, and Schmidt—12.

NAYS—Messrs. Ayres, Byington, Campbell, Coxe, Fulmer, Hacker, Mau, Merritt, Miller, McBride, McIntosh, Plummer, Robins, Shilling, Staunton, Stickney, and Williams—17.

ABSENT—Messrs. Bradshaw, Bulmer, Coppernoll, Cocks, Drysdale, Enslow, Fallon, Fay, Jones of Washoe, Kendall, Mayers, Salter, Schoer, Sullivan, White, and Wilson—16.

Not voting—Messrs. Jones of Clark, Malloy, Price, and Mr. Speaker—4.

Mr. Meder was called to the chair.

Mr. Hacker gave notice that on the next legislative day he would ask for a reconsideration of the vote on Senate Bill No. 96.

SPECIAL ORDER

On motion of Mr. Evans, duly seconded, the House resolved itself into Committee of the Whole to consider Assembly Bill No. 244.

Mr. Evans in the chair.

HOUSE IN SESSION

Mr. Meder in the chair.

The Committee of the Whole reported favorably on Assembly Bill No. 244, with the recommendation that it pass.

On motion of Mr. Denton, duly seconded, the report of the committee was adopted.

On motion of Mr. Denton, duly seconded, the rules were suspended, Assembly Bill No. 244 considered engrossed, and placed on third reading.

Mr. Campbell moved to amend by striking out after the word "whereas" in line 14 the words following in lines 15, 16, 17, 18, 19.

Lost.



The Sergeant-at-Arms announced a message from the Senate.

Assembly Bill No. 244 placed on final passage, and passed by the following vote:

YEAS—Messrs. Booth, Bradshaw, Bulmer, Byington, Coxe, Cocks, Denton, Donahoue, Enslow, Evans, Fay, Fitzgerald, Fulmer, Jones of Clark, Jones of Washoe, Kemm, Malloy, Meder, Merritt, Miller, McBride, McIntosh, O'Connor, Piercy, Robins, Shilling, Schmidt, Schoer, Staunton, Stickney, White, Williams, and Wilson—33.

NAYS—Messrs. Ayres, Campbell, Plummer, Price, and Sullivan—5.

Absent—Messrs. Byrne, Coppernoll, Drysdale, Fallon, Hacker, Kendall, Mau, Mayers, Salter, and Mr. Speaker—10.

Not voting—Mr. Arnold.

On motion of Mr. Malloy, duly seconded, the rules were suspended, and Order of Business No. 7 taken up.

#### MESSAGES FROM THE SENATE

Messages from the Senate were read, transmitting Assembly Bill No. 123, which passed—Yeas, 17; nays, none; absent, 2.

On motion of Mr. Malloy, duly seconded, the amendments offered on Assembly Bill No. 123 by the Senate were concurred in.

On motion of Mr. Schmidt, duly seconded, Assembly Bill No. 123 was made a special order for 10 p. m. today.

On motion of Mr. Robins, duly seconded, the rules were suspended, Assembly Bill No. 178 considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Booth, Bulmer, Byington, Byrne, Campbell, Cocks, Denton, Enslow, Evans, Fallon, Fay, Fitzgerald, Fulmer, Jones of Washoe, Kemm, Malloy, Mayers, Meder, Merritt, Miller, McBride, McIntosh, O'Connor, Plummer, Price, Robins, Shilling, Schoer, Staunton, Stickney, and White—34.

NAYS—None.

Absent—Messrs. Bradshaw, Coxe, Coppernoll, Donahoue, Drysdale, Hacker, Kendall, Mau, Salter, Schmidt, Sullivan, Williams, Wilson, and Mr. Speaker—14.

Not voting—Mr. Jones of Clark.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Special Committee, appointed to take up and consider Senate amendments to Assembly Substitute No. 70, begs leave to report that it has had the same under consideration, and reports favorably on same, with the recommendation that they be concurred in by the Assembly.

C. E. ROBINS, *Chairman*.

On motion of Mr. Evans, duly seconded, the report of the committee was adopted.

On motion of Mr. Jones of Washoe, duly seconded, the Assembly concurred in the amendments made on Substitute for Assembly Bill No. 70.

On motion of Mr. Shilling, duly seconded, Senate Bill No. 66 was made a special order for 10:10 p. m.

On motion of Mr. Williams, duly seconded, Assembly Bill No. 99 was made a special order of business for 10:50 a. m., March 15, 1911.

On motion of Mr. Jones of Washoe, duly seconded, Assembly Bill No. 223 was referred to Committee of the Whole.

#### SPECIAL ORDER

Senate Bill No. 66.

Mr. Shilling moved to amend by adding to Section 1, line 18, after the

## THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), March 14, 1911.

The Senate was called to order at 10:30 a. m.

President Ross presiding.

Roll called.

Absent by leave—Senator Tallman.

Quorum present.

Prayer by the Chaplain, Rev. H. H. McCreery.

On motion of Senator Miller, the Journal was approved as though read.

### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Banks and Banking have had Assembly Bill No. 173 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

J. A. MILLER, *Chairman*.

*Mr. President:*

Your Committee on Enrollment have carefully compared Senate Enrolled Bills Nos. 97 and 116 with the engrossed copies, find the same correctly enrolled, and have this day delivered the same to the Governor.

GEO. T. MILLS, *Chairman*.

*Mr. President:*

Your Committee on Labor have had under consideration Assembly Bill No. 123, and beg leave to report favorably on the same, with the recommendation that it do pass as amended: Strike out all of line 14 after the word "Act"; strike out line 15; strike out balance of bill, and amend by adding the amendment offered.

GEO. BERGMAN, *Chairman*.

A Conference Committee was appointed to act on the amendments in which the Senate and Assembly failed to concur.

The President appointed Senators Coryell, Bell, and Mills.

Senate Bill No. 72.

On motion of Senator Mack, the Senate refused to concur in the amendments made by the Assembly.

### MESSAGES FROM THE ASSEMBLY

*To the Honorable the Senate:*

I have the honor herewith to present for the consideration of your honorable body Assembly Bill No. 165—An Act providing for the protection and preservation of wild game and wild birds, and to prescribe a penalty for the violation thereof, and to repeal the following Acts pertaining thereto, viz: The Act approved March 24, 1909, the same being Chapter CLXXII of the Laws of 1909; also, the Act approved March 16, 1903, the same being Chapter CV of the Laws of 1903; also the Act approved February 25, 1905, the same being Chapter XXVI of the Laws of 1905; also, all Acts that have been amended by the above Acts, and all Acts and parts of Acts heretofore passed and in conflict with the provisions of this Act—which passed the Assembly by the following vote: Yeas, 33; nays, 6; absent, 8; not voting 2.

DAN E. MORTON,  
*Chief Clerk of the Assembly.*



provide revenue for the support of the government of the State of Nevada, and to repeal certain Acts relating thereto," approved March 23, 1891.

On motion of Senator Tallman, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Judiciary.

Substitute for Assembly Bill No. 66.

On motion of Senator Ascher, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Education.

#### GENERAL FILE AND THIRD READING

On motion of Senator Tallman, Substitute for Assembly Bill No. 70 was placed on final passage.

On motion of Senator Tallman, the amendments, as recommended by the Code Commission to Substitute for Assembly Bill No. 70, were adopted.

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Special Committee appointed on Contingent Expenses of the Senate report that they have performed their duty, have examined and approved all the bills as presented, and herewith submit the following resolution, and recommend the adoption of the same.

GEO. T. MILLS, *Chairman.*

*Resolved by the Senate,* That the Sergeant-at-Arms draw his warrant on the Legislative Fund for the sum of \$1,031.22, to pay for supplies, etc., furnished during the session, to satisfy the claims of the following-named persons:

F. M. Schadler, reporting on addition to State Capitol.....	\$50.00
Carson City Coal Gas Co., supplies.....	65.90
J. M. Benton, ice.....	13.25
Meyers Mercantile Co., coal.....	291.48
Michael Farrell, laundry of towels.....	8.00
C. H. Maish, fitting keys, etc.....	10.00
Wm. Heidenreich, making filing-cases.....	26.00
Mrs. K. A. Raftice, scales and file-book.....	5.00
Mike Farrell, preparing Senate Hall.....	21.00
J. Smyth, towels.....	3.00
E. J. Walsh, supplies.....	22.50
Carson City News, Senate Journal and supplies.....	115.00
Truckee River General Electric Light Co.....	150.99
J. A. Muller, flowers.....	10.00
Carson City Coal Gas Co.....	179.10
F. R. Nicholas, car fare.....	60.00
Total.....	\$1,031.22

The State Controller is authorized to draw his warrant in favor of the Sergeant-at-Arms for the above amount, and the State Treasurer is authorized to pay the same.

On motion of Senator Mills, the resolution was adopted.

#### INTRODUCTION AND FIRST READING

Senator Tallman was granted leave to introduce a bill out of order and without previous notice.

By Senator Tallman:

Senate Bill No. 185—An Act relating to contracts and patents for state lands, and matters pertaining thereto.

On motion of Senator Tallman, the rules were suspended, reading so



far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Public Lands.

GENERAL FILE AND THIRD READING

Substitute for Assembly Bill No. 70 was passed by the following vote:

YEAS—Senators Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Miller, Mills, Reymers, Sweeney, Syphus, Tallman, and Tannahill—18.

NAYS—None.

Absent—Senator Ascher.

A message was received from the Assembly.

Senator Mack called to the chair.

On motion of Senator Syphus, Assembly Bill No. 105 was taken up out of order and placed on third reading and final passage.

On motion of Senator Bergman, Assembly Bill No. 105 was referred to Committee of the Whole.

On motion of Senator Bergman, the Senate resolved itself into Committee of the Whole, Senator Bergman presiding.

REPORT OF COMMITTEE OF THE WHOLE

*Mr. President:*

Your Committee of the Whole have had Assembly Bill No. 105 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

On motion of Senator Bell, the report was adopted.

On motion of Senator Syphus, line 10 of section 31 was amended by inserting after the word "March" the word "twenty." Also, lines 3 and 4 of section 34 the same amendment.

Assembly Bill No. 105 was passed by the following vote:

YEAS—Senators Ascher, Balzar, Bell, Bergman, Carpenter, Coryell, Heffernan, Holmes, Jones, Kendall, Mack, Miller, Mills, Sweeney, and Syphus—15.

NAYS—None.

Absent—Senators Dolf, Reymers, Tallman, and Tannahill—4.

Assembly Bill No. 200 was passed by the following vote:

YEAS—Senators Ascher, Balzar, Bergman, Carpenter, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Miller, Sweeney, and Syphus—13.

NAYS—None.

Absent—Senators Bell, Coryell, Mills, Reymers, Tallman, and Tannahill—6.

Assembly Bill No. 123.

On motion of Senator Bergman, the amendment, as offered by the Committee on Labor, was adopted.

Assembly Bill No. 123 was passed by the following vote:

YEAS—Senators Ascher, Balzar, Bell, Bergman, Carpenter, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Miller, Mills, Reymers, Sweeney, Syphus, and Tannahill—17.

NAYS—None.

Absent—Senators Coryell and Tallman—2.

On motion of Senator Bergman, the amendment to the title, as recommended by the Committee on Labor, was adopted.

Assembly Bill No. 163 was passed by the following vote:

YEAS—Senators Ascher, Balzar, Bergman, Carpenter, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Miller, Mills, Reymers, Sweeney, Syphus, and Tannahill—16.

NAYS—None.

Absent—Senators Bell, Coryell, and Tallman—3.

## THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), March 15, 1911.

The Senate was called to order at 10:30 a. m.

President Ross presiding.

Roll called.

Absent—Senators Dolf and Miller.

Quorum present.

Prayer by the Chaplain, Rev. H. H. McCreery.

On motion of Senator Bell, the Journal was approved as though read.

### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Education have had Senate Bill No. 162 and Substitute for Assembly Bill No. 66 under consideration, and report favorably thereon, with the recommendation that they pass.

Also, Senate Bills Nos. 158 and 164 and Assembly Bill No. 159, and report unfavorably thereon, with the recommendation that they do not pass.

J. A. ASCHER, *Chairman.*

*Mr. President:*

Your Committee on Judiciary beg leave to report on the following bills:

Assembly Bills Nos. 179, 229, Senate Bills Nos. 179, 183, 184, and Assembly Concurrent Resolution No. 11, favorably, with the recommendation that they pass.

Senate Bill No. 165, and report a substitute therefor favorably.

Assembly Bill No. 172, and report unfavorably thereon, with the recommendation that it do not pass, for the reason that your Committee is of the opinion that the ground has already been covered by previous bills.

CLAY TALLMAN, *Chairman.*

*Mr. President:*

Your Committee on Ways and Means have had Assembly Bills Nos. 126, 222, and 254 and Senate Bill No. 178 under consideration, and beg leave to report favorably on the same, with the recommendation that they do pass.

H. H. CORYELL, *Chairman.*

*Mr. President:*

Your Committee on Printing have had Assembly Bill No. 148 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

ALEX. L. TANNAHILL, *Chairman.*

*Mr. President:*

Your Committee on Mines and Mining have had Assembly Bill No. 252 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

ZEB KENDALL, *Chairman.*

*Mr. President:*

Your Committee on Public Lands have had Senate Bill No. 185 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

L. N. CARPENTER, *Chairman.*

*Mr. President:*

Your Committee on Enrollment have carefully compared Senate Enrolled Bill No. 121 with the engrossed copy, find the same correctly enrolled, and have this day delivered the same to the Governor.

GEO. T. MILLS, *Chairman.*

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

Also, Assembly Bills Nos. 36, 137, 152, and 216, and report the same without recommendation.

GEO. BERGMAN, *Chairman*.

*Mr. President:*

Your Committee on Agriculture, Irrigation and Reclamation of Arid Lands have had Assembly Bill No. 143 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

LEVI SYPHUS, *Chairman*.

*Mr. President:*

Your Committee on Enrollment have carefully compared Senate Enrolled Bill No. 68 with the engrossed copy, find the same correctly enrolled, and have this day delivered the same to the Governor.

GEO. T. MILLS, *Chairman*.

*Mr. President:*

Your Joint Committee of Senate and Assembly, appointed to select such bills as in their judgment were of the most importance to the people of the State of Nevada, beg to report that we selected all Senate bills now on file in the Senate to be placed on the top of the file, all local county bills next and then Assembly bills such as we have selected.

W. J. BELL, *Chairman*.

On motion of Senator Ascher, the special order, Assembly Bill No. 229, for this hour was vacated.

#### INTRODUCTION AND FIRST READING

By Senator Syphus:

Senate Concurrent Resolution No. 17, relative to the regulation of charges made by Wells, Fargo & Company.

On motion of Senator Syphus, the resolution was adopted.

By Senator Syphus:

Senate Bill No. 188—An Act supplemental to an Act entitled "An Act to provide revenue for the support of the government of the State of Nevada, and to repeal certain Acts relating thereto."

On motion of Senator Syphus, the rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Judiciary.

#### MESSAGES FROM THE ASSEMBLY

*To the Honorable the Senate:*

I have the honor herewith to present for the consideration of your honorable body Assembly Bill No. 244—An Act to reimburse the United States of America for military property lost by the State of Nevada, and to purchase from the United States of America, as relics, certain obsolete ordnance and ordnance stores now in possession of the State of Nevada—which passed the Assembly by the following vote: Yeas, 33; nays, 5; absent, 10; not voting, 1.

Assembly Bill No. 178—An Act to amend section one of an Act entitled "An Act to provide for the payment of attorneys in certain cases," approved March 5, 1875—which passed: Yeas, 34; nays, none; absent, 14; not voting, 1.

Assembly Bill No. 223—An Act for the relief of Thomas B. Ramsey for services rendered the State of Nevada under instructions from the Governor—which passed: Yeas, 26; nays, 15; absent, 5; not voting, 3.

Senate Bill No. 89, which passed: Yeas, 40; nays, none; absent, 8; not voting, 1.

Senate Bill No. 66, which passed: Yeas, 35; nays, none; absent, 13; not voting, 1.

Assembly Bill No. 168—An Act for the relief of A. W. Clark—which passed: Yeas, 29; nays, 3; absent, 16; not voting, 1.

Substitute for Senate Bill No. 38, which passed: Yeas, 39; nays, none; absent, 9; not voting 1.



I have the honor herewith to return to your honorable body Senate Bill No. 118, which passed: Yeas, 35; nays, 8; absent, 4; not voting, 2.

Also, to inform your honorable body that Senate Bill No. 112 has been amended in the Assembly by offering a substitute which passed: Yeas, 44; nays, none; absent, 4; not voting, 1.

Also, to inform your honorable body that the amendments by your honorable body to Assembly Bill No. 70 have been concurred in.

J. S. WILSON,  
*Assistant Chief Clerk of the Assembly.*

# GENERAL FILE AND THIRD READING

On motion of Senator Ascher, Senate Bill No. 168 was considered engrossed, read third time, and passed by the following vote:

YEAS....Senators Ascher, Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Miller, Mills, Reymers, Sweeney, and Tannahill....17.

NAYS....None.

Absent....Senators Syphus and Tallman....2.

On motion of Senator Bell, Senate Bill No. 175 was considered engrossed, read third time, and passed by the following vote:

YEAS....Senators Ascher, Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Kendall, Miller, Mills, Reymers, Sweeney, and Tannahill....16.

NAYS....Senator Mack.

Absent...Senators Syphus and Tallman....2.

On motion of Senator Bell, Senate Bill No. 149 was considered engrossed.

On motion of Senator Bell, the amendment offered by the Judiciary Committee was adopted, bill read third time, and passed by the following vote.

YEAS....Senators Ascher, Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Miller, Mills, Reymers, Sweeney, Syphus, and Tannahill....18.

NAYS....None.

Absent....Senator Tallman.

On motion of Senator Kendall, the Senate concurred in the amendments by the Assembly to Senate Bill No. 66.

On motion of Senator Syphus, Senate Bill No. 124 was taken up.

On motion of Senator Syphus, the Senate concurred in all Assembly amendments with the exception of the amendment to section 121, commencing in line 16.

On motion of Senator Syphus, the Senate refused to concur in the amendment to section 121, line 16.

On motion of Senator Mills, Senate Bill No. 167 was considered engrossed, read third time, and passed by the following vote:

YEAS....Senators Ascher, Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Miller, Mills, Reymers, Sweeney, and Tannahill....17.

NAYS....None.

Absent....Senators Syphus and Tallman....2.

A motion by Senator Balzar, that Assembly Bill No. 237 be placed on top of the file, was lost.

# SUPPLEMENTAL MATERIAL

See also *Report of Code Commission of Nevada*, March 3, 1911, published in the *Appendix to Journals of Senate and Assembly of the Twenty-fifth Session of the Legislature of the State of Nevada, 1911*, Volume II, for additional information.

See also *Chapter 84, Statutes of Nevada 1911*, page 100, An act in relation to the publication of certain statutes. Legislative history online at:  
<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/pre1965/SB184,1911.pdf>.

See also *Revised Laws of Nevada* (1912), Vol. 2, sections 4943-5821, pp. 1433-1696, online through Google Books: <https://books.google.com/books?id=mTouAAAAYAAJ&dq=&hl=en>.

**APPENDIX**

**TO**

**Journals of Senate and Assembly**

**OF THE**

**TWENTY-FIFTH SESSION**

**OF THE**

**LEGISLATURE OF THE STATE OF NEVADA**

**1911**

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**VOLUME II**



CARSON CITY, NEVADA

STATE PRINTING OFFICE : : : JOE FARNSWORTH, SUPERINTENDENT

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**REPORT OF  
CODE COMMISSION  
OF NEVADA**

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# REPORT OF CODE COMMISSION

CARSON CITY, NEVADA, March 3, 1911.

*To the Honorable the Senate and the Assembly:*

Your undersigned commission, constituted and empowered by an Act of the Legislature at its last session "to revise, compile, annotate and index the laws of the State of Nevada and certain laws of the United States," beg leave to report:

The Act mentioned provided for a "compilation and annotation of all the laws of the State, the State and Federal Constitutions, the laws of Congress relating to naturalization, grants of land by the United States to the State of Nevada, location and patenting of mineral lands of the United States, election of United States Senators, authentication of records, and such other Acts of Congress as said commission may deem of direct interest to the State of Nevada and advantageous to publish in such compilation"; that "each section shall have such marginal notes or headings as shall briefly indicate the subject-matter of the section, and shall be followed by brief annotations or references to all the decisions of the Supreme Court of this State, construing or having a bearing upon such section, and also reference to such other decisions, statutes or publications as such Justices may deem advantageous"; that "the compilation shall also contain a full and comprehensive table of contents"; that "they shall also prepare a thorough and complete index of said compilation, which index shall fully cover the subject-matter treated in each section, together with such cross-references as will make the same thoroughly comprehensive."

Section 5 of said Act provides 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 the 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 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, and 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.

In seeking to comply with said Act of the Legislature, and as a foundation for the work, your commission has examined and classified every Act passed in this State from the first session of the Territorial Legislature, covering original, amendatory, separate, and supplemental statutes enacted during the past half-century, and has classified them into general, special, and local Acts, and has made a separate list of the ones repealed. These embrace all the legislative Acts of the State and Territory, the laws of the three territorial sessions and the twenty-four state sessions of the Legislature, including the ones enacted at the special sessions of 1867 and 1908. The repeals and amendments have been tabulated in typewritten form and have been plainly stamped in a complete set of the territorial and state session laws, to and including the last session. We recommend that these, with the classifications and tabulations now in possession of your commission, be stored and carefully preserved by the Secretary of State. If this is done, it will not hereafter be necessary to examine in detail or again classify the twenty-eight session laws above referred to in making any compilation of the laws in the future. Such examination need be made only from the present session.

Some of these Acts in force, including part of the earliest ones, are desirable to retain, with slight or no amendment, and are as valuable as when they were first passed. Other Acts and sections have been so much duplicated and improved by later statutes that their retention is no longer necessary. Others appear to be so satisfactory as to need little or no amendment, change or improvement except by careful classification, placement, annotation and indexing.

It has been the effort of the commission, as far as practicable, to work into one Act all original, amendatory and supplemental Acts pertaining to any one of the more important branches of the law. We have also endeavored to classify and arrange together in chapters the sections pertaining to any sub-branch of the law covered by the general Act. To illustrate, in the preparation of the Civil Practice Act which we have submitted for your consideration, all amendatory, supplemental and separate Acts relating specially to civil practice have been worked into the proposed new Act. These and the old Act have been read and considered section by section by the full commission and compared with the improved codes in other States. Some sections in a few of the separate Acts have been found not germane to the title, so as to raise a doubt as to their constitutionality, or to pertain to other branches of



the law, and the sections have been divided and carried to other Acts covering the branches of the law to which they apply.

It is intended to have a reference to every decision ever rendered by the Supreme Court of the State, referring to any section of the laws placed under the particular section which it construes, and also to make reference to decisions in other States under the more important sections of our statutes. We desire to have the index so full, and with so many references under different letters to the same section, that the index will guide any one directly to the particular section of the Constitution or statute desired, with its accompanying sections and annotations, giving the statutory law and annotations to all the decisions of the Supreme Court bearing on that particular subject.

Similarly, we have prepared for submission to you bills covering the more important branches of the law, relating to criminal practice and to crimes and punishments, by considering every section and the laws of other States, and by amalgamating, as far as practicable, the different Acts pertaining to one subject, eliminating duplicate sections and provisions clearly undesirable, adopting a number of the best provisions from other States, and in some instances where it appeared advantageous interpolating provisions different from any heretofore in force in this State or elsewhere. As hundreds of sections have been changed, reference to all of them would make this report too long; but your commission will be pleased to confer with any committee or member of the Legislature regarding any changes as shown by the proposed bills.

Among the more important of these in the Civil Practice Act, made for the purpose of simplifying the procedure and saving time, trouble and expense in civil actions, is the requirement of a replication to the answer so as to narrow the issue and lessen the number of witnesses and amount of proof; the allowance of new trials upon the application of the party or by the court on its own motion without the preparation and filing of any statement or amendments; a provision for shortening the statement on appeal where the full transcript of the testimony and proceedings is not necessary; the allowing of appeals without any statement in cases where appeals can be taken on errors which can be presented to the Supreme Court without a statement, and avoiding as far as may be safely done dismissals of appeals on technicalities.

Among the changes in the proposed Criminal Practice Act are the ones allowing the employment of a stenographer to take the testimony on a preliminary hearing before a committing magistrate; providing that when the accused is arrested in a county other than the one in which the warrant of arrest is issued, he may require the officer to take him before any magistrate in the county in which he is arrested or any adjoining county to give bail in the amount fixed on the warrant, and avoid being taken to answer in the custody of the officer; that the



instructions, if either party require it, shall be settled and read to the jury by the court in advance of the arguments; that new trials may be granted upon application or by the court of its own motion without any bill of exceptions or statement; that an appeal may be taken upon the record with or without a bill of exceptions in certain cases; that corporations may be prosecuted for misdemeanors, or by indictment for gross misdemeanors and felonies; that the court may suspend sentence in proper cases or impose an indeterminate sentence when the accused is deserving of this consideration; that persons escaping conviction of crime under a plea of insanity be confined in an asylum; and that in the infliction of capital punishment the defendant may be hanged or shot, or allowed to take hydrocyanic acid to produce instantaneous death, at his election.

It is also provided that no judgment shall be set aside or new trial granted for misdirection of the jury or the improper admission or rejection of evidence, or error in the matter of procedure, unless in the opinion of the court to which the application is made, after an examination of the entire case, it shall appear that the error complained of resulted in a miscarriage of justice or has tended to the prejudice of the defendant in respect to a substantial right.

Among the new provisions under crimes and punishments are the ones for the protection of minors of both sexes, habitual drunkards and their families, and the ones against white slavery, the "third degree," grafting, the conveyance of venereal disease, for the extra punishment of, and the prevention of procreation by, certain classes of habitual criminals, and requiring the publication of denials of libelous articles. The present main Act relating to crimes and punishments contains 158 sections. The one we have prepared, embracing most of the provisions of the old one, and of the amendatory and supplemental Acts relating exclusively to crimes, provisions adopted from other States, and new ones which we have drawn, contains about 400 additional sections, and over 560 in all. Only by reference to these may knowledge be obtained of all the additions and changes made. Over 150 Acts will be repealed and superseded by the three we have drawn relating to civil and criminal procedure and crimes.

Sections which make certain acts crimes, or which provide penalties in Acts which pertain to matters other than crimes, which are not in conflict with, or in duplication of, provisions of the new proposed Act relating to crimes, are not to be considered repealed thereby. Among these are penal provisions in the Acts relating to elections, officers and revenue, and in other Acts, all of which will appear fully in the final compilation.

With reference to other branches of the law, relating to lands and agriculture, roads and bridges, domestic relations, wild fish and game,



corporations, revenue, taxes and licenses, state institutions, fees, courts of justice, real property and conveyances, estates of deceased persons, the selecting and drawing of names for the jury-box of the county, new Acts are desirable in a few instances and only amendments in others.

Your commission wishes to avoid recommendations for legislation relating to subjects which we have been informed will be covered by bills prepared by members of the Legislature, or concerning which there is or may be a strong conflict of opinion as to the best legislative policy. Among these are the important branches of the law relating to banking; to the amendment of the primary election Act so that it will be better understood and less expensive; to the purity of the general election; to divorce, prizefights, gambling, and the liquor traffic.

The State Engineer and others have prepared for submission to you new bills relating to water and irrigation. The Superintendent of Public Instruction and the Deputy Superintendents have carefully prepared and submitted to us a new and comprehensive bill relating to education, and have consulted with us in regard to a number of its provisions. In so far as we have been able to give it consideration, it appears to be a great improvement on the present statutes relating to the same subject.

The Act regarding mining claims needs a slight amendment, which we have prepared. The statutes, state and federal, relating to the acquisition of mineral and agricultural lands, and pertaining to mining rights, have been already largely arranged for publication, with annotations and references to decisions of the federal and state courts which we believe are more complete than any heretofore published.

We suggest the passing of resolutions favoring the submission to a vote of the people of proposed amendments to the State Constitution eliminating that part of the oath of office which relates to dueling; allowing, as in other States, and as proposed at the last legislative session, the prosecution and trial for felony of accused persons by information, without indictment, which may be safely done after a magistrate upon hearing sufficient evidence has held the accused to answer, and allowing a majority of a jury of eight in civil cases to find a verdict, and ten of the twelve jurors, or two less than the whole number if deemed best to reduce the jury to ten or eight, to find a verdict in criminal cases; providing that the Legislature may enact laws requiring the submission to arbitration of disputes between employer and employee regarding hours, wages and conditions of labor before resort is had to strikes or lockouts; and providing that the Speaker of the Assembly, and in the event of his death, absence or inability, the Speaker *pro tempore*, shall act as Governor, in the case of the death, resignation, impeachment, absence or inability to act of the Governor, Lieutenant-Governor, and President *pro tempore* of the Senate.



As the art is no longer popular, but is in bad repute, the provision in the Constitution that "no person who, while a citizen of this State, has, since the adoption of this Constitution, fought a duel with a deadly weapon, either within or beyond the boundaries of this State, or who has acted as second, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to hold any office of honor, profit or trust, or enjoy the right of suffrage under this Constitution," and the stringent statutes we have against dueling ought to be sufficient to prevent its practice by officials, without requiring officers and attachés, including women, to take the oath for its prohibition, as now required.

The argument against prosecutions for felony by information, that District Attorneys may, without cause, owing to feeling of prejudice, bring innocent persons to trial, may not be of great weight if the District Attorney is not allowed to file an information until a magistrate has taken testimony under oath which warrants him in holding the accused, and without which testimony he could be released upon *habeas corpus*, as at present. Any person may now file a complaint against another and have him tried for misdemeanor, or arrested and given a hearing and bound over for felony if the evidence warrants. Prosecutions by information have great advantages, often saving much time and heavy expense, especially when the only person or persons bound over for felony are willing to plead guilty. We do not hear of abuse or objection to the method of prosecuting by information or of a desire to limit prosecutions to indictments in the numerous States which allow prosecutions by information. If prosecutions by information be allowed, grand juries ought to be drawn at least once every year in every county to investigate county officers and indict any officers who may be derelict in duty, and any other persons who may deserve indictment that have escaped prosecution.

With so many safeguards thrown around accused persons upon their trial, including the right to counsel, to testify, to have witnesses produced, to have the jury satisfied of the guilt of the person charged beyond a reasonable doubt, to have the court grant a new trial, to appeal, and to apply to the Board of Pardons, we think it is no longer necessary in order to do justice to the prisoner to have the unanimous verdict of twelve jurors, or to allow one or two jurors, by reason of some feeling, prejudice, overdetermination, or friendliness for the accused or his counsel, to prevent the conviction of the accused when his guilt is apparent beyond a reasonable doubt to all of the other jurors.

We submit these views with the desire of having you determine whether the people shall be given an opportunity to amend the Constitution in these regards, if they so desire.

To carefully annotate the decisions in the thirty-three Nevada Reports



is about a year's work, but a considerable part of this work has already been done. The consideration of the statutes section by section, the examination and comparison with the enactments in other States, and the preparation of new and different sections for the purpose of simplifying and improving the law, has taken much more time than anticipated.

To arrange for publication our statutes as revised, including the ones passed at the present session of the Legislature; to finish annotating the decisions bearing on the statutes and Constitution; prepare a table of contents; examine the various sections with a view to inserting new head-lines where necessary or desirable; to prepare an index with full and extra references to the various sections, and carefully read and compare the proofs with the text and punctuation of the original bills for final publication, will require the time of the commission until next fall. Hence we request that the commission be allowed until September in which to carefully complete this work.

We recommend that the new Acts relating to civil and criminal practice and to crimes do not go into effect until January 1, 1912, and we have drawn the bills accordingly.

If, as suggested, these Acts are not to go into effect until the first of January, we recommend, owing to their length, and the fact that they will be published soon after the session laws and in the new compilation before they become effective, that you pass an Act providing for their omission from the early publication of the laws passed at the present session and make ample appropriation and provision for their printing and binding in the best form in the new compilation. The State will be largely reimbursed for the expense of preparing the new compilation by the sale of the volume when published.

Conscious that the Acts we have prepared and labored to improve during the time at our command are not without imperfections, we invite criticism and suggestions for changes from any committee or member of the Legislature or others interested.

We acknowledge the able assistance which has been rendered the commission in the preparation of the laws by Mr. Edward T. Patrick and Mr. Walter D. Cole, and in printing by Mr. Joseph Farnsworth, Superintendent of State Printing.

We are also indebted to different officials and to many of the members of the bar throughout the State for valuable suggestions.

Respectfully submitted,

JAMES G. SWEENEY,  
G. F. TALBOT,  
F. H. NORCROSS,

*Code Commission.*