

Legislative History of
Senate Bill 53
of the Twenty-Fifth Session
of the Nevada Legislature
1911

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

Approved March 17, 1911; effective January 1, 1912

THE THIRTIETH DAY

CARSON CITY (Tuesday), February 14, 1911.

The Senate was called to order at 11 a. m.

President Ross presiding.

Roll called.

Quorum present.

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

Journal read and approved.

The following communication was read:

RUTHERFORD, TENN., February 6, 1911.

HON. J. A. DENTON, *Caliente, Nevada.*

MY DEAR SIR: I see in the *Carson City Daily Appeal* where you spoke words of commendation of my dear brother, Senator A. C. House, for which I want to tender to you my heartfelt thanks, and will ever remember your name in honor of my brother, and will further say to you, that I want you for me to thank the Senators and Assemblymen who took a part in the memorial services in honor of my brother, Azariah Coburn House; and further, it would fill my heart to overflowing if I could meet you all face to face and thank you for the words, and kindness, and benevolence you all showed to brother A. C. House.

His remains arrived in Trimble at eight o'clock a. m. Thursday in a perfect state of preservation. We were very much pleased with the undertakers and those that contributed and prepared the body so nicely for shipment to his old home. We laid his body by the side of his father, mother, and brother under the auspices of the Masons.

Respectfully,

J. S. HOUSE.

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. 48—An Act fixing the salary and compensation for official services of the Justice of the Peace of Austin Township, Lander County, Nevada—which passed the Assembly by the following vote: Yeas, 41; nays, none; absent, 7; not voting, 1.

J. S. WILSON,

Assistant Chief Clerk of the Assembly.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary have had Assembly Joint and Concurrent Resolution No. 17, Twenty-fourth Session, Assembly Joint and Concurrent Resolution No. 3 of the Twenty-fourth Session, and Senate Bill No. 47 under consideration, and beg leave to report favorably on the same, with the recommendation that they pass.

Also, Assembly Joint and Concurrent Resolution No. 9 under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass.

CLAY TALLMAN, *Chairman.*

Mr. President:

Your Committee on Enrollment have carefully compared Senate Enrolled Bill No. 24 and Senate Joint and Concurrent Resolution No. 2 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 Printing have had Assembly Bill No. 32 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

ALEX. L. TANNAHILL, *Chairman.*

Mr. President:

Your Committee on Fish and Game have had Senate Bill No. 30 under consideration, and beg leave to introduce a Senate Substitute for the same, with the recommendation that it do pass.

H. H. CORYELL, *Chairman.*

INTRODUCTION AND FIRST READING

Senators Syphus, Reymers, Ascher, Miller, Heffernan, Mills, Coryell, and Balzar were granted leave to introduce bills without previous notice.

By Senator Syphus:

Senate Bill No. 48—An Act authorizing the Governor to offer a reward for the arrest and conviction of the person or persons guilty of the murder of Harry Cambron and three associates in Washoe County.

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 Ways and Means.

By Senator Reymers:

Senate Bill No. 49—An Act to authorize the Board of County Commissioners of Lyon County to issue bonds for the purpose of creating a fund for the erection and furnishing of county buildings in the city of Yerington.

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

By Senator Ascher:

Senate Bill No. 50—An Act to make certain days legal holidays; to provide that public schools and certain offices be closed on such days; to provide that all courts be closed thereon except for certain purposes; to determine the effect of such holidays on legal obligations, privileges, duties and acts, and repealing all Acts in conflict therewith.

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 Judiciary.

By Senator Balzar:

Senate Bill No. 51—An Act to authorize the Board of County Commissioners of Mineral County to issue bonds for the purpose of creating a fund for the repairing and furnishing of county buildings, in the town of Hawthorne, the payment for transcribing of records, and the payment of current expenses.

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

By Douglas County Delegation:

Senate Bill No. 52—An Act to authorize the Board of County Commissioners of Douglas County to issue bonds for the purpose of creating and liquidating and paying all outstanding indebtedness of said county,

other than bonded indebtedness, for purchasing and equipping a County Poor Farm, for building and maintaining public roads and bridges, and for paying current expenses of Douglas County, State of Nevada.

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 Douglas Delegation.

By Committee on Judiciary:

Senate Bill No. 53—An Act to regulate proceedings in criminal cases in this State, and to repeal all other Acts in relation thereto.

On motion of Senator Miller, 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 Senator Heffernan:

Senate Bill No. 54—An Act to amend an Act entitled "An Act to provide for a reorganization of the system of school supervision and maintenance, to repeal all Acts and parts of Acts in conflict therewith, and matters properly connected therewith," approved March 29, 1907.

On motion of Senator Heffernan, 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.

By Senator Mills (by request):

Senate Bill No. 55—An Act making an appropriation to pay for reporting the proceedings of the State Board of Assessors, session of 1911.

On motion of Senator Mills, 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 Senator Coryell:

Senate Bill No. 56—An Act to amend section 52, section 73, section 89, and section 90 of an Act entitled "An Act to provide for a reorganization of the system of school supervision and maintenance, to repeal all Acts and parts of Acts in conflict therewith, and matters properly connected therewith," approved March 29, 1907.

On motion of Senator Coryell, 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 Senator Coryell:

Senate Bill No. 57—An Act to amend section 8 of "An Act to regulate railroads, telegraph and telephone companies, and other common carriers in this State, creating a Railroad Commission, constituting the Governor, the Lieutenant-Governor, and the Attorney-General a Railroad Board for the appointment and removal of the Railroad Commissioners, prevent the imposition of unreasonable rates, prevent unjust discrimination, insure an adequate railway service, and fixing maximum freight charges," approved March 5, 1907.

On motion of Senator Coryell, 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 Railroads.

By Senator Coryell:

Senate Bill No. 58—An Act to provide for the construction of a state

THE FORTIETH DAY

CARSON CITY (Friday), February 24, 1911.

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

President Ross presiding.

Roll called.

Quorum present.

Prayer by the Chaplain, Rev. Father Gartland.

On motion of Senator Tallman, the reading of the Journal was dispensed with, the Secretary instructed to correct any minor error, and the Journal approved as though read.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education have had Senate Bill No. 84 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

J. A. ASCHER, *Chairman.*

Mr. President:

Your Committee on Ways and Means have had Senate Substitute for Senate Bill No. 36 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass, with the following amendments: After the words "did not exceed," insert in lieu of the words "eighty cents" the words "one dollar and five cents."

Also, Senate Bill No. 76, and report the same back without recommendation.

H. H. CORYELL, *Chairman.*

Mr. President:

Your Committee on Enrollment have carefully compared Senate Enrolled Bills Nos. 15, 19 and 52 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, the Churchill County Delegation, have had Senate Bills Nos. 77 and 78 under consideration, and beg leave to report favorably on the same, with the recommendation that they do pass.

THOS. DOLF, *Chairman.*

Mr. President:

Your Committee, the Lander County Delegation, have had Senate Bill No. 85 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

J. A. MILLER, *Chairman.*

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. 95—An Act to amend section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to prevent pollution or contamination of the waters of the lakes, rivers, streams and ditches in the State of Nevada, prescribing penalties and making an appropriation to carry out the provisions of this Act, approved March 20, 1903,' approved March 12, 1907, approved March 24, 1909, which passed the Assembly by the following vote: Yeas, 43; nays, none, absent, 5; not voting, 1.

sales of personal property and providing for the recording thereof—which passed: Yeas, 44; nays, none; absent, 4; not voting, 1.

Assembly Bill No. 31—An Act to regulate the salary and compensation of the Justices of the Peace of Wells Township and Carlin Township of Elko County, State of Nevada—which passed: Yeas, 41; nays, none; absent, 8.

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—which passed: Yeas, 27; nays, none; absent, 22.

Senate Bill No. 23, which passed: Yeas, 25; nays, none; absent, 24.

Assembly Bill No. 60—An Act to secure to mechanics, artisans, miners, laborers and other persons, immediate payment of their wages upon being discharged, or who, not having a contract, voluntarily terminate their service with their employer, to provide for judgment and execution in suits brought under this Act, and to repeal any and all Acts in conflict herewith—which passed: Yeas, 26; nays, 18; absent, 4; not voting, 1.

Assembly Bill No. 50—An Act to protect the Grand Army of the Republic, benevolent, humane, fraternal, charitable or other organization in the use of their names and emblems and providing penalties for the violation thereof—which passed: Yeas, 44; nays, none; absent, 5.

J. S. WILSON,

Assistant Chief Clerk of the Assembly.

On motion of Senator Holmes, the Senate resolved itself into Committee of the Whole for the purpose of hearing discussion regarding a bill relative to the Crittenton Home, Senator Bell presiding.

REPORT OF COMMITTEE OF THE WHOLE

Mr. President:

Your Committee of the Whole have listened to Mrs. Leona Goodrich of Reno relative to the Crittenton Home, and beg leave to report without recommendation.

GENERAL FILE AND THIRD READING

Assembly Bill No. 45 was lost by the following vote:

YEAS—Senators Balzar, Bell, Carpenter, Coryell, Dolf, Heffernan, Holmes, Mills, Reymers, and Sweeney—10.

NAYS—Senators Ascher, Bergman, Jones, Kendall, Miller, Syphus, Tallman, and Tannahill—8.

Absent—Senator Mack.

A message was received from the Assembly.

Assembly Bill No. 40.

A motion by Senator Bergman, to strike out section 7, was lost.

On motion of Senator Miller, the Senate took a recess of five minutes.

SENATE IN SESSION

Roll called.

Absent—Senator Jones.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 40 placed on third reading and final passage, and passed by the following vote:

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

NAYS—None.

Absent—Senator Jones.

Senator Tallman gave notice he desired to reconsider the vote on Assembly Bill No. 40 on the next legislative day.

Senate Bill No. 50.

On motion of Senator Ascher, Senate Bill No. 50 was laid upon the table.

Senate Bill No. 82.

On motion of Senator Heffernan, Senate Bill No. 82 was considered engrossed.

On motion of Senator Bergman, section 3 was stricken from the bill.

On motion of Senator Kendall, Senate Bill No. 82 was laid on the table.

Assembly Bill No. 5.

On motion of Senator Bergman, the Senate Substitute was adopted, and referred to Committee on Labor.

Senate Bill No. 74.

On motion of Senator Syphus, Senate Bill No. 74 was considered engrossed.

On motion of Senator Syphus, the word "or" in line 3 of section 2, before the word "conviction," was stricken out, and the word "on" inserted in lieu thereof.

Senate Bill No. 74 was passed by the following vote:

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

NAYS—Senators Balzar and Sweeney—2.

Absent—Senator Tallman.

Senate Bill No. 71.

On motion of Senator Syphus, Senate Bill No. 71 was placed at the bottom of the file.

Assembly Bill No. 24.

On motion of Senator Jones, Assembly Bill No. 24 was laid on the table.

Senate Bill No. 53.

On motion of Senator Mills, Senate Bill No. 53 was placed at the bottom of the file.

Senate Substitute for Assembly Bill No. 59.

On motion of Senator Tallman, the substitute was adopted.

On motion of Senator Mack, the bill was referred to Committee of the Whole.

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

REPORT OF COMMITTEE OF THE WHOLE

Mr. President:

Your Committee of the Whole have had Senate Substitute for Assembly Bill No. 59 under consideration, and report favorably upon the same, with the recommendation that it do pass, with the amendment recommended.

Also, Senate Bill No. 70 favorably, with the recommendation that it do pass.

Also, Senate Bill No. 55 favorably, with the recommendation that it do pass.

On motion of Senator Balzar, the report was adopted.

THE FORTY-THIRD DAY

CARSON CITY (Monday), February 27, 1911.

The Senate was called to order at 11 a. m.

President Ross presiding.

Roll called.

Absent by leave—Senator Bell.

Quorum present.

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

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

On motion of Senator Kendall, the Senate took a recess until 2 p. m., out of respect to the relatives and friends of the deceased miners in Tonopah.

SENATE IN SESSION

At 2 p. m.

President Ross presiding.

Roll called.

Absent by leave—Senators Balzar, Bell, Heffernan, and Tallman.

Quorum present.

A telegram was received from Captain J. P. Donnelley, stating that eight Indians were killed and four captured, apparently the entire band. Ed Hogle of the posse was killed; all others unhurt. Of those killed were four bucks, two squaws and two children. Those captured consisted of one squaw and three children. The squaws apparently fought harder than the bucks, and after their ammunition gave out resorted to bows and arrows. The posse effecting the capture was the one led by Captain Donnelley. It was a running fight, lasting for three hours. Relics of the murdered men were found in possession of the dead Indians.

PETITIONS

The Nevada State Legislature, Carson City, Nevada.

GENTLEMEN: At a regular meeting of the Washoe Building Trades Council, I was instructed to write your honorable body, beseeching you, that in making the appropriation for the Panama Exposition Building in San Francisco to represent this State, that you stipulate (if constitutional) that none but union workmen be employed.

Sincerely trusting you will do all in your power to have this work done by union labor, I am

Yours respectfully,

J. E. BRENNAN,
Secretary Washoe Building Trades Council.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education have had Senate Bills Nos. 73 and 89 under consideration, and beg leave to report favorably on the same, with the recommendation that they be referred to the Committee on Ways and Means; also, Assembly Bill No. 35, and recommend that it pass.

J. A. ASCHER, *Chairman.*

On motion of Senator Jones, 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. 116—An Act for the relief of Dr. E. C. Krebs.

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 Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Senate Bill No. 53.

On motion of Senator Bergman, the substitute as recommended by the Committee on Judiciary was adopted.

On motion of Senator Ascher, Substitute for Senate Bill No. 53 was considered engrossed.

On motion of Senator Ascher, Substitute for Senate Bill No. 53 was placed at the bottom of the file.

Senate Bill No. 55.

On motion of Senator Mills, Senate Bill No. 55 was considered engrossed.

Senate Bill No. 55 passed by the following vote:

YEAS—Senators Ascher, Bergman, Carpenter, Coryell, Dolf, Holmes, Jones, Kendall, Mack, Miller, Mills, Reymers, Sweeney, and Tannahill—14.

NAYS—None.

Absent—Senators Balzar, Bell, Heffernan, Syphus, and Tallman—5.

Senate Bill No. 70.

On motion of Senator Holmes, Senate Bill No. 70 was considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Senators Ascher, Bergman, Carpenter, Coryell, Dolf, Holmes, Jones, Kendall, Mack, Miller, Mills, Reymers, Sweeney, and Tannahill—14.

NAYS—None.

Absent—Senators Balzar, Bell, Heffernan, Syphus, and Tallman—5.

Senate Substitute for Senate Bill No. 43.

On motion of Senator Bergman, Senate Substitute for Senate Bill No. 43 was considered engrossed.

On motion of Senator Kendall, Senate Substitute for Senate Bill No. 43 was placed at the bottom of the file, on account of the introducer being absent.

Assembly Bill No. 5.

On motion of Senator Bergman, Assembly Bill No. 5 was placed at the bottom of the file, in order to secure printed copies.

Senate Bill No. 22.

On motion of Senator Ascher, Senate Bill No. 22 was considered engrossed.

On motion of Senator Bergman, Senate Bill No. 22 was laid upon the table.

Senate Bill No. 18.

On motion of Senator Kendall, Senate Bill No. 18 was placed at the bottom of the file, on account of the absence of its introducer.

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), February 28, 1911.

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

President Ross presiding.

Roll called.

Absent by leave—Senators Ascher, Jones, and Miller.

Quorum present.

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

Senator Bergman moved that the Journal be approved as though read.

Carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Agriculture, Irrigation, and Reclamation of Arid Lands have had Senate Bill No. 46 under consideration, and beg leave to report the same without recommendation.

LEVI SYPHUS, *Chairman*.

Mr. President:

Your Committee on Enrollment have carefully compared Senate Enrolled Bills No. 21 and 23 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, the Churchill County Delegation, have had Assembly Bill No. 85 under consideration, and beg leave to report a Senate Substitute for the same, with the recommendation that it do pass.

THOS. DOLF, *Chairman*.

Mr. President:

Your Committee, the Lyon County Delegation, have had Senate Bill No. 99 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

B. H. REYMERS, *Chairman*.

INTRODUCTION AND FIRST READING

Senators Dolf, Balzar, and Bergman were granted leave to introduce bills without previous notice.

By Senator Dolf:

Senate Bill No. 102—An Act fixing the salaries of Justices of the Peace and Constables in and for Wonder, Fairview, Stillwater, and New River Townships, in the County of Churchill, State of Nevada, and other matters relating thereto.

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

By Senator Dolf:

Senate Bill No. 103—An Act creating a Board of Live Stock Commissioners, providing thorough quarantine for the suppression and extirpation of contagious, infectious or communicable diseases of animals,

providing for cooperation with the United States in animal disease work, and other purposes, defining the duties of the Board of Live Stock Commissioners and prescribing their compensation, providing that sheep do not come within the meaning or provisions of this Act.

On motion of Senator Dolf, 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 Agriculture.

By Senator Balzar:

Senate Bill No. 104—An Act prohibiting the poisoning or injuring of any licensed dog, and providing a penalty for the violation thereof.

On motion of Senator Balzar, 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.

By Senator Balzar:

Senate Bill No. 105—An Act to fix the salary of the Constable of Rawhide Township, Mineral County, State of Nevada.

On motion of Senator Balzar, 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 Senator Bergman:

Senate Bill No. 106—An Act empowering all persons to copy or make abstracts or memoranda of all books and records of state and county offices, and to utilize the same to supply the general public with copies, abstracts, and memoranda, and to otherwise make use thereof.

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.

GENERAL FILE AND THIRD READING

Senate Substitute for Senate Bill No. 53.

Senator Coryell moved that Senate Substitute for Senate Bill No. 53 be made a special order for 7 p. m.

Senator Tallman moved to amend to between 3 and 4 o'clock p. m. each day until completed, commencing February 28th.

Amendment carried.

Senate Substitute for Senate Bill No. 43 was passed by the following vote:

YEAS—Senators Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Kendall, Reymers, Sweeney, Tallman, and Tannahill—13.

NAYS—Senators Jones, Mack, and Mills—3.

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

Senate Bill No. 18.

On motion of Senator Tallman, Senate Bill No. 18 was considered engrossed.

On motion of Senator Tallman, the title was amended by adding the following: "and making an appropriation therefor"

Senate Bill No. 18 was passed by the following vote:

YEAS—Senators Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Kendall, Mack, Mills, Reymers, Tallman, and Tannahill—15.

NAYS—None.

Absent—Senators Ascher, Miller, Sweeney, and Syphus—4.

SPECIAL ORDER

The time having arrived, special order for 3 p. m., Senate Substitute for Senate Bill No. 53, was taken up.

Senator Dolf was called to the chair.

On motion of Senator Tallman, Senate Rule No. 50 was suspended during the reading of Senate Bill No. 53.

A call of the Senate was demanded by Senators Ascher, Mack, and Tannahill.

President Ross presiding.

The Sergeant-at-Arms was instructed to bring the absent Senators to the chamber.

On motion of Senator Mills, the call was vacated.

Senator Ascher was called to the chair.

On motion of Senator Kendall, the Senate adjourned until 10:30 a. m., March 1, 1911.

Approved:

GILBERT C. ROSS,

President of the Senate.

Attest: JAMES D. FINCH,

Secretary of the Senate.

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 1, 1911.

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

President Ross presiding.

Roll called.

Absent by leave—Senators Mills and Tannahill.

Quorum present.

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

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Engrossment beg leave to report that they have carefully compared Senate Bill No. 28 with the engrossed copy thereof, and find the same correctly engrossed.

M. MACK, *Chairman.*

Mr. President:

Your Committee on Judiciary have had Senate Bill No. 98 and Senate Joint Resolution No. 8 under consideration, and beg leave to report favorably on the same, with the recommendation that they pass.

Also, Assembly Bill No. 32, and report the same back with a substitute, with the recommendation that the substitute pass.

Also, Senate Bill No. 100, and recommend that it pass when amended, by adding to section 2 the following words: "*provided*, that in no case shall such tax levy exceed four (4) cents on each one hundred (\$100) dollars in any one year."

CLAY TALLMAN, *Chairman.*

Mr. President:

Your Committee on Ways and Means have had Assembly Bills Nos. 102 and 116 and Senate Bill No. 107 under consideration, and beg leave to report favorably on the same, with the recommendation that they pass.

Also, Senate Bill No. 109, and report the same back without recommendation.

Also, Senate Bill No. 69, and report favorably thereon when amended as follows:

Strike out the words "and two copyists" after the word "deputy" in line 2 of the original bill.

Strike out the words "and that the salary of each of the copyists shall be the sum of \$1,500 per annum" after the word "annum" in line 6 of the original bill.

Change "the word "salaries;" after the word "said" in line 8 of the original bill, to read "salary."

H. H. CORYELL, *Chairman.*

Mr. President:

Your Committee, the Churchill Delegation, have had Senate Bill No. 97 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, consisting of Lincoln and Clark Delegations, have had Senate Bill No. 108 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

LEVI SYPHUS, *Chairman.*

INTRODUCTION AND FIRST READING

Senators Bell and Heffernan were granted leave to introduce bills without previous notice.

On motion of Senator Tannahill, the report was adopted.

A message from the Assembly was received.

Senators Ascher, Mack, and Kendall were excused.

Senator Jones was called to the chair.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Enrollment have carefully compared Senate Substitute for Assembly Bill No. 36, with the engrossed copy, find the same correctly enrolled, and have this day delivered the same to the Governor.

GEO. T. MILLS, *Chairman.*

SPECIAL ORDER

Senate Substitute for Senate Bill No. 53.

The time having arrived for special order, Senate Substitute for Senate Bill No. 53, the reading was completed.

Senate Substitute for Senate Bill No. 53 was passed by the following vote:

YEAS—Senators Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Heffernan, Holmes, Jones, Miller, Reymers, and Tannahill—12.

NAYS—None.

Absent—Senators Ascher, Kendall, Mack, Mills, Sweeney, Syphus, and Tallman—7.

On motion of Senator Reymers, the Senate adjourned until 10:30 a. m., March 2d.

Approved:

GILBERT C. ROSS,

President of the Senate

Attest: JAMES D. FINCH,

Secretary of the Senate.

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.

Senate Bill No. 107, which passed by a vote of yeas, 18; nays, none; absent, 1.

Senate Bill No. 69, which passed by a vote of yeas, 17; nays, none; absent, 2.

Senate Joint Resolution No. 8, which passed by a vote of yeas, 15; nays, none; absent, 3.

Assembly Bill No. 32, with Senate Substitute for same, which passed by a vote of yeas, 16; nays, none; absent, 3.

Senate Bill No. 111, which passed by a vote of yeas, 17; nays, none; absent, 2.

Assembly Bill No. 80, which passed by a vote of yeas, 17; nays, none; absent, 2.

Senate Substitute for Senate Bill No. 53, which passed by a vote of yeas, 14; nays, none; absent, 5.

Senate Bill No. 112, which passed by a vote of yeas, 16; nays, 1; absent, 2.

Senate Bill No. 28, which passed by a vote of yeas, 13; nays, 6.

The Committee on Enrollment reported that it had carefully compared Assembly Enrolled Bill No. 17 with the engrossed copy and found it correctly enrolled.

INTRODUCTION AND FIRST READING

By Mr. Price (by leave):

Assembly Bill No. 224—An Act providing for the election of delegates to a constitutional convention, fixing the number of delegates to be elected, fixing the date of the election and time and place of holding the convention, prescribing the duties of the Governor, Secretary of State, and various Boards of County Commissioners, and appropriating money to carry out the provisions of this Act.

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 the Committee on Ways and Means.

Mr. Piercy moved that when the House take a recess it convene again at 1:30 p. m. today.

Duly seconded and carried.

By Mr. Schmidt (by leave):

Assembly Bill No. 225—An Act to empower the County Commissioners of the various counties within the State of Nevada to fix the salaries and compensations of the Justices of the Peace and the Constables of the townships within their respective counties, and other matters relating thereto.

On motion of Mr. Schmidt, 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. Coxe (by leave):

Assembly Bill No. 226—An Act to create a salary fund for Lincoln County.

On motion of Mr. Coxe, 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 Lincoln Delegation.

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

"the" in line 4 of Section 7. Strike out the word "of" in line 5 of Section 7. Strike out the word "the" where it appears the second time in line 9 of Section 7. Strike out the word "of" in line 10 of Section 7. Strike out the words "Board of County Commissioners" in line 1 of Section 8 and insert the words "County Board of Education" in lieu thereof. Strike out the words "within ninety days from the approval of this Act" in line 1 of Section 8. Strike out the words "for time, in the manner as required by law" in line 5 of Section 8. Strike out the words "said board" in line 10 of Section 8 and insert in lieu thereof the words "the County Board of Education." Place a period mark after the word "Act" in line 11 of Section 8, strike out the next word "and" and have the next word commence with capital "A." Insert the words "County Board of Education" after the word "said" in line 12 of Section 8. Strike out all of the words after the words "shall be" in line 13, Section 8, down to the word "provided" and insert the words "paid in the manner now provided by law for paying claims against the County High-School Fund." Strike out the word "State" in line 2, Section 9, and insert the word "county" in lieu thereof. Strike out the words "Board of County Commissioners" in line 5 of Section 9 and insert the words "County Board of Education" in lieu thereof. Strike out all the words after the word "Act" in line 7 of Section 9.

The Washoe Delegation reported favorably on Assembly Bill No. 230, and recommended that it pass.

The Lincoln Delegation reported favorably on Assembly Bills Nos. 226 and 227, and recommended that they pass.

On motion of Mr. Shilling, duly seconded, Assembly Joint and Concurrent Resolution No. 16 was ordered placed on top of the file.

On motion of Mr. Merritt, duly seconded, Assembly Bill No. 115 was made a special order of business for Monday, March 6, 1911, at 1:30 p. m.

Mr. Piercy made a motion that when the House adjourn, it adjourn until 1:30 p. m. today.

MESSAGES FROM THE SENATE

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

Senate Bill No. 104, which passed by a vote of yeas, 12; nays, 6; absent, 1.

Senate Bill No. 113, which passed by a vote of yeas, 15; nays, none; absent, 4.

Senate Bill No. 116, which passed by a vote of yeas, 17; nays, none; absent, 2.

Mr. Fulmer made a motion that the members of the Assembly be permitted to introduce bills on Monday, March 6, 1911.

Duly seconded and carried.

INTRODUCTION AND FIRST READING

Senate Bill No. 28.

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 Judiciary.

Senate Substitute for Senate Bill No. 53.

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.

Senate Joint and Concurrent Resolution No. 8.

On motion of Mr. Fulmer, duly seconded, 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 Printing.

Senate Bill No. 107.

On motion of Mr. Drysdale, 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 Mines and Mining.

Senate Bill No. 116.

On motion of Mr. Williams, 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 Churchill Delegation.

Senate Bill No. 104.

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 Fish and Game.

Senate Bill No. 113.

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 Humboldt Delegation.

Senate Substitute for Assembly Bill No. 32.

On motion of Mr. Booth, 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 Printing.

Senate Bill No. 69.

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.

Senate Bill No. 111.

On motion of Mr. Mau, 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 Education.

Senate Bill No. 94.

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

By Joint Ways and Means Committee (by leave):

Assembly Bill No. 237—An Act to provide for the improvement and furnishing of the State Orphans' Home, appropriating money therefor, and other matters in relation thereto.

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

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 7, 1911.

House convened at 10:30 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Cocks and Fallon, who were excused.

Prayer by the Chaplain, Rev. Father Gartland.

Reading of the Journal proceeded with.

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

PRESENTATION OF PETITIONS

The following petition was received and read:

Resolved, That the Methodist Episcopal Church of Reno hereby declares its attitude relative to the divorce situation in this city as follows:

First—That the presence of a large number of persons, temporarily residing in Reno for the purpose of securing divorces, is detrimental to the best interests of the city.

Second—That we respectfully protest against any legislation designed to make the acquisition of residence for divorce purposes easier.

Third—That we earnestly request the Legislature to enact laws of such a character as to stop the colonization of Nevada for divorce purposes.

Fourth—That copies of these resolutions be sent to the Senate and Assembly and to the press.

The above resolutions were carried by a rising vote, which was practically unanimous. There were over two hundred people present.

W. S. KELLY, *Pastor First M. E. Church, Reno, Nevada.*

REPORTS OF COMMITTEES

The Committee on Mines and Mining reported favorably on Assembly Bill No. 262 and Senate Bill No. 107, with the recommendation that they pass.

The Committee on Corporations and Railroads reported on the following bills:

Assembly Bill No. 258, favorably, with the recommendation that it pass; also, Assembly Bill No. 245, unfavorably, with the recommendation that it do not pass.

The Committee on Education reported favorably on Assembly Bill No. 263, with the recommendation that it pass.

The Committee on Fish and Game reported on the following bills: Assembly Bills Nos. 214, 165, 239, and Senate Bills Nos. 104 and 68, favorably, with the recommendation that they pass; also, Assembly Bill No. 220 without recommendation.

The Committee on Labor reported favorably on Assembly Bill No. 188 and Assembly Bill No. 216, with the recommendation that they pass.

The Committee on Ways and Means reported on the following bills:

Assembly Bill No. 162, favorably, with the recommendation that it pass with the following amendments: Strike out the words "seven thou-

sand" in Section 3, and insert the words "four thousand" in lieu thereof; also, Assembly Bills Nos. 223 and 254 without recommendation.

The Committee on Judiciary reported on the following bills: Assembly Bill No. 28, favorably, with the recommendation that it pass. A minority report on Assembly Bill No. 28 as follows:

We, a minority of the Committee on Judiciary, do hereby present a minority report to the effect that Section 6 thereof, as inserted by Senate amendment, creating a Water Board, be stricken out, and in Sections 7, 10, 12, 13, and 14, wherever the words "Water Board" occur, they be stricken out and the word "Governor" inserted in lieu thereof; that is, we recommend that the bill be so amended as to read the same as the printed copy, and that when so amended it do pass.

ALBERT D. AYRES,
J. E. CAMPBELL,
W. D. COPPERNOLL.

Also, Assembly Bills Nos. 242, 267, 241, 264, 240, 243, 257, and Assembly Joint and Concurrent Resolution No. 19 without recommendation; also, Assembly Bill No. 268 favorably, with the recommendation that it pass; also, Senate Bill No. 53 favorably, with the recommendation that Section 431 thereof be amended, and that when amended, it pass; also, Senate Bill No. 94 without recommendation.

The Eureka Delegation reported favorably on Assembly Bill No. 265, with the recommendation that it pass.

The Ormsby Delegation reported favorably on Assembly Bill No. 163, with the recommendation that it pass.

The Lyon Delegation reported favorably on Assembly Bill No. 253, with the recommendation that it pass.

On motion of Mr. Bradshaw, duly seconded, Senate Bill No. 28 was made a special order of business for 11 a. m., March 8, 1911.

MESSAGES FROM THE SENATE

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

Senate Bill No. 117, which passed by a vote of yeas, 16; nays, none; absent, 3.

Senate Bill No. 89, which passed by a vote of yeas, 15; nays, none; absent, 4.

Senate Bill No. 106, which passed by a vote of yeas, 15; nays, none; absent, 4.

Senate Bill No. 102, which passed by a vote of yeas, 17; nays, none; absent, 2.

Senate Bill No. 123, which passed by a vote of yeas, 17; nays, none; absent, 2.

Senate Joint and Concurrent Resolution No. 9, which passed by a vote of yeas, 15; nays, none; absent, 4.

Senate Bill No. 96, which passed by a vote of yeas, 14; nays, 2; absent, 3.

Assembly Bill No. 90, which passed by a vote of yeas, 16; nays, none; absent, 3.

Assembly Bill No. 103, which passed by a vote of yeas, 15; nays, none; absent, 4.

On motion of Mr. Evans, duly seconded, Assembly Bill No. 90 was referred to the Engrossing Committee.

THE FIFTY-FIFTH DAY

CARSON CITY (Saturday), March 11, 1911.

House convened at 10:30 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Ayres, Bulmer, Kendall, Meder, Robins, and Salter.

Prayer by the Chaplain, Rev. Father Gartland.

On motion of Mr. Mau, the reading of the Journal of the previous day was dispensed with and the Journal approved as it stood.

On motion of Mr. Enslow, the rules were suspended, and Assembly Bill No. 216 made a special order of business for 8 p. m.

On motion of Mr. Campbell, Assembly Bill No. 213 was made a special order for 3 p. m. today.

On motion of Mr. Campbell, Assembly Joint and Concurrent Resolution No. 11 was made a special order for 3:30 p. m. today.

On motion of Mr. Sullivan, Assembly Joint and Concurrent Resolution No. 13 was made a special order of business for 2:40 p. m. today.

REPORTS OF COMMITTEES

The Committee on Ways and Means reported Senate Bill No. 109, without recommendation; also, Senate Bill No. 146 favorably, with the recommendation that it pass.

The Committee on Enrollment reported that it had compared Assembly Enrolled Bill No. 215 with the engrossed copy and found the bill correctly enrolled.

The Committee on Claims reported favorably on Senate Bill No. 122, with the recommendation that it pass.

The Committee on Judiciary reported Substitute for Senate Bill No. 38 without recommendation; also, Senate Bills Nos. 110, 95, and 121 without recommendation; also, Senate Joint and Concurrent Resolution No. 10 without recommendation.

The Committee on Elections reported Senate Bills Nos. 134 and 137 favorably, with the recommendation that they pass.

A minority report of the Committee on Education was read and filed, reporting unfavorably on Assembly Bill No. 198 and signed by A. G. McBride and P. S. Miller.

Mr. Schoer made a motion that the minority report on Assembly Bill No. 198 be adopted.

Lost.

On motion of Mr. Booth, duly seconded, the majority report on Assembly Bill No. 198 was adopted.

Mr. Booth moved to amend by striking out the word "two" in line 14 of Section 1 and inserting the word "four" in lieu thereof.

Carried.

Assembly Bill No. 148 placed on its final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Booth, Byrne, Campbell, Donahoue, Enslow, Evans, Fitzgerald, Fulmer, Jones of Washoe, Malloy, Man, Meder, Merritt, McIntosh, O'Connor, Plummer, Price, Robins, Shilling, Schmidt, Schoer, Staunton, Stickney, Sullivan, White, Williams, and Wilson—29.

NAYS—Mr. Piercy.

Absent—Messrs. Bradshaw, Bulmer, Byington, Coxe, Coppernoll, Cocks, Denton, Drysdale, Fallon, Fay, Jones of Clark, Kendall, Mayers, McBride, Miller, and Salter—16.

Not voting—Messrs. Hacker, Kemm, and Mr. Speaker—3.

On motion of Mr. Robins, Assembly Bill No. 126 was considered engrossed, and placed on third reading.

Mr. Robins moved to amend by striking out the words "enter or having entered" in line 3 of Section 1.

Carried.

Mr. Robins moved to amend by striking out the word "entering" and inserting the words "remaining within" in lieu thereof.

Carried.

Mr. Denton moved to amend by striking out the words "twenty-one" in line 3 of Section 1 and inserting the word "eighteen" in lieu thereof.

Lost.

The Committee on Judiciary was granted leave to make a report out of order.

REPORTS OF COMMITTEES

The Committee on Judiciary reported Senate Bill No. 124 without recommendation.

GENERAL FILE AND THIRD READING

Assembly Bill No. 126.

Mr. Jones of Washoe moved to amend by striking out the word "liquor" in line 2 and inserting the words "spirituous, malt or fermented liquors or wines" in lieu thereof.

Carried.

Assembly Bill No. 126 placed on its final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Byrne, Campbell, Coxe, Denton, Enslow, Evans, Fulmer, Jones of Clark, Jones of Washoe, Malloy, Mayers, Meder, Merritt, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Salter, Shilling, Schmidt, Schoer, Staunton, Stickney, Sullivan, White, Williams, and Wilson—31.

NAYS—Messrs. Booth, Donahoue, Fitzgerald, Hacker, and Mau—5.

Absent—Messrs. Bradshaw, Bulmer, Byington, Coppernoll, Cocks, Drysdale, Fallon, Fay, Kendall, Miller, and McBride—11.

Not voting—Mr. Kemm and Mr. Speaker—2.

On motion of Mr. Fulmer, Senate Bill No. 96 was laid on the table.

Assembly Concurrent Resolution No. 19 was placed on its final passage, and lost by the following vote:

YEAS—Messrs. Arnold, Byrne, Denton, Donahoue, Enslow, Fitzgerald, Hacker, Jones of Washoe, Kemm, Malloy, Piercy, Plummer, Price, Schmidt, and White—15.

NAYS—Messrs. Ayres, Booth, Campbell, Coxe, Evans, Fulmer, Jones of Clark, Mau, Mayers, Meder, Merritt, McIntosh, O'Connor, Robins, Salter, Schoer, Staunton, Stickney, Sullivan, and Wilson—20.

Absent—Messrs. Bradshaw, Bulmer, Byington, Coppernoll, Cocks, Drysdale, Fallon, Fay, Kendall, Miller, McBride, and Williams—12.

Not voting—Mr. Shilling and Mr. Speaker—2.

Mr. Sullivan gave notice that on the next legislative day he would ask for a reconsideration of the vote on Assembly Joint and Concurrent Resolution No. 15.

On motion of Mr. Campbell, the rules were suspended, Assembly Bill No. 213 was considered engrossed, and placed on its third reading.

Mr. Campbell moved to amend by striking out that portion commencing with the word "after," in line 10, Section 2, and down to and including the word "provided."

Carried.

Assembly Bill No. 213 was placed on its final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Booth, Campbell, Coxe, Denton, Enslow, Evans, Fitzgerald, Fulmer, Hacker, Jones of Clark, Kemm, Mau, Mayers, Meder, Merritt, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Salter, Shilling, Schmidt, Staunton, Stickney, White, and Wilson—30.

NAYS—None.

Absent—Messrs. Bradshaw, Bulmer, Byington, Coppernoll, Cocks, Drysdale, Fallon, Fay, Jones of Washoe, Kendall, Malloy, Miller, McBride, Schoer, Sullivan, and Williams—16.

Not voting—Messrs. Byrne, Donahoue, and Mr. Speaker—3.

On motion of Mr. Campbell, Assembly Joint and Concurrent Resolution No. 11 was considered engrossed, placed on its third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Booth, Byrne, Campbell, Donahoue, Enslow, Evans, Fitzgerald, Fulmer, Jones of Clark, Kemm, Malloy, Mau, Mayers, Meder, Merritt, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Salter, Schmidt, Shilling, Staunton, Stickney, White, and Wilson—31.

NAYS—None.

Absent—Messrs. Bradshaw, Bulmer, Byington, Coxe, Coppernoll, Cocks, Drysdale, Fallon, Fay, Hacker, Jones of Washoe, Kendall, Miller, McBride, Schoer, Sullivan, and Williams—17.

Not voting—Mr. Speaker.

On motion of Mr. Enslow, duly seconded, Assembly Bill No. 216 was considered engrossed, and placed on third reading.

Mr. Enslow moved to amend by striking out the word "one" in line 2 of Section 9 and inserting the words "two and one-half," in lieu thereof.

Carried.

Mr. Evans moved to amend by adding a new section to be known as Section 13, to read as follows: "All Acts and parts of Acts in conflict with this Act are hereby repealed."

Carried.

Assembly Bill No. 216 placed on its final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Booth, Byrne, Campbell, Coxe, Denton, Donahoue, Enslow, Evans, Fitzgerald, Fulmer, Jones of Clark, Kemm, Malloy, Mau, Meder, Merritt, Mayers, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Salter, Shilling, Schmidt, Staunton, Stickney, Sullivan, White, and Wilson—33.

NAYS—None.

Absent—Messrs. Bradshaw, Bulmer, Byington, Coppernoll, Cocks, Drysdale, Fallon, Fay, Jones of Washoe, Kendall, Miller, McBride, Schoer, and Williams—14.

Not voting—Mr. Ayres and Mr. Speaker—2.

Mr. Enslow gave notice that on the next legislative day he would ask for a reconsideration of the vote on Assembly Bill No. 216.

On motion of Mr. Robins, further consideration of Senate Bill No. 124 was made a special order for March 14, 1911, at 10:30 a. m.

On motion of Mr. Robins, further consideration of Senate Bill No. 53 was made a special order for March 14, 1911, at 10:45 a. m.

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), March 14, 1911.

House convened at 10 a. m.

Speaker pro tem. in the chair.

Roll called.

All present except Mr. Coppernoll, who was excused.

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

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

REPORTS OF COMMITTEES

The Committee on Mines and Mining reported favorably on Senate Bill No. 83, with the recommendation that it pass.

The Committee on Ways and Means reported Assembly Bill No. 285, and Senate Bills Nos. 29 and 118 favorably, with the recommendation that they pass; also, Senate Bills Nos. 147 and 91 without recommendation.

The Committee on Agriculture reported Senate Bill No. 93 without recommendation.

The Committee on Counties and County Boundaries reported favorably on Senate Bills Nos. 120 and 135, with the recommendation that they pass.

The Committee on Public Morals reported Senate Substitute for Senate Bill No. 44 favorably, with the recommendation that it pass; also, Senate Bill No. 119 without recommendation.

Mr. Speaker:

Your Committee on Contingent Expenses has examined all bills hereto attached and found same correct, and begs leave to report favorably on the same; therefore, be it

Resolved, That the sum of \$1,347.38 is hereby appropriated out of the Legislative Fund for the payment of claims of parties set forth, in the statement hereto attached, and being for the sum of \$1,347.38.

A. G. McBRIDE, *Chairman.*

Contingent Expenses

William M. Heidenreich, carpenter work and supplies	\$27.00
Mrs. K. A. Rattice, rubber stamps	12.00
C. L. Booth, cash advanced for stamps and expressage	71.84
Mrs. Little, laundry services	8.00
C. F. Cutts, supplies	3.00
J. M. Benton, ice	13.25
C. H. Maish, repairing locks on desks	11.25
Carson City News, supplies	87.85
The White Co., supplies	51.25
Mrs. M. Dempsey, rental of typewriter two months	10.00
Ed. J. Walsh, supplies	12.00
J. A. Muller, typewriter ribbons	1.50
Jno. Porterfield, labor	21.00
A. J. Millard, plumbing	9.00
Meyers Mercantile Company, coal	463.05
Meyers Mercantile Company, supplies	10.00
Carson City Coal Gas Company, supplies	23.70
Carson City Coal Gas Company, labor	42.25
Carson City Coal Gas Company, gas	138.60
Carson City Coal Gas Company, gas	179.10
Truckee River General Electric Company, service	150.99

Total	\$1,347.38
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WHEREAS, The sum of \$1,347.38 has been contracted for materials and supplies for the Assembly, and is now owing and unpaid, as shown by the report of the Committee on Contingent Expenses; therefore, be it

Resolved, That the State Controller be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Assembly, Chauncey L. Booth, for the sum of \$1,347.38 and the Treasurer shall pay the same, and said Sergeant-at-Arms shall pay said bills and take receipts therefor, and deliver same receipts to said State Controller.

On motion of Mr. Campbell, duly seconded, Assembly Resolution on Contingent Expenses was adopted.

MESSAGES FROM THE SENATE

A message from the Senate was received, transmitting for consideration Assembly Bill No. 184, which passed—Yeas, 17; nays, none; absent, 2.

Assembly Joint and Concurrent Resolution No. 16, which passed—Yeas, 15; nays, none; absent, 4.

Assembly Substitute for Assembly Joint and Concurrent Resolution No. 6, which passed—Yeas, 16; nays, 2; absent, 1.

Assembly Bill No. 113, which passed—Yeas, 17; nays, none; absent, 2.

Assembly Bill No. 92, which passed—Yeas, 19, nays, none.

Senate Bill No. 172, which passed—Yeas, 13; nays, 1; absent, 5.

Senate Substitute for Senate Bill No. 11, which passed—Yeas, 15; nays, none; absent, 4.

Assembly Bill No. 171, which passed—Yeas, 18; nays, none; absent, 1.

Assembly Bill No. 116, which passed—Yeas, 16; nays, 3.

Senate Bill No. 163, which passed—Yeas, 19; nays, none.

On motion of Mr. Evans, the amendments offered by the Senate on Assembly Bill No. 184 were concurred in.

INTRODUCTION AND FIRST READING

Senate Bill No. 172.

On motion of Mr. Schoer, 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.

Senate Substitute for Senate Bill No. 11.

On motion of Mr. Evans, 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. 163.

On motion of Mr. Meder, 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 Military and Indian Affairs.

Mr. Coppernoll asked to be excused for the day.

Granted.

GENERAL FILE AND THIRD READING

Senate Bill No. 124.

Mr. Piercy moved to amend by striking out the words "which is noisome or" in line 5, Section 281.

Carried.

Mr. Ayres moved to amend by striking out the words "on the same level" after the word "street" in line 5, Section 319, and insert in lieu

thereof the words "where such road or street is customarily used by the public for the purposes of travel."

Carried.

Mr. Ayres moved to amend by striking out the period and inserting after the word "run" the words "on the trip during which such burglary is committed" in line 15, Section 369; also, by inserting "without authority" after the word "shall" in line 1, Section 484.

Carried.

Mr. Ayres moved to amend by striking out the period in line 15, Section 162, and inserting after the word "years" the following words: "such robbery is committed upon any trains traveling upon any railroad within this State, the jury may, in its discretion, impose the penalty of death, or the court, in the event of the plea of guilty, may impose such death penalty."

Carried.

Mr. Robins moved to amend by striking out the words "or confinement in the State Prison for life, at the discretion of the jury trying the same," in line 16, Section 121.

Carried.

Senate Bill No. 124 placed on its final passage, and passed by the following vote:

YEAS—Messrs. Ayres, Booth, Bradshaw, Bulmer, Byington, Byrne, Campbell, Coxe, Cocks, Denton, Drysdale, Enslow, Evans, Fallon, Fay, Jones of Clark, Mau, Mayers, Meder, Merritt, Miller, McBride, McIntosh, O'Connor, Plummer, Price, Robins, Salter, Schmidt, Schoer, Stickney, White, Williams, and Wilson—34.

NAYS—Messrs. Fitzgerald, Jones of Washoe, Kendall, Malloy, Piercy, Shilling, and Sullivan—7.

Absent—Messrs. Coppernoll, Donahoue, Fulmer, and Staunton—4.

Not voting—Messrs. Arnold, Hacker, Kemm, and Mr. Speaker—4.

Senate Substitute for Senate Bill No. 53.

On motion of Mr. Arnold, duly seconded, the amendment offered by the Judiciary Committee was not adopted.

Mr. Jones of Washoe moved to amend by inserting the words "twenty-one of" after the word "under" in line 18, Section 431.

Carried.

Senate Substitute for Senate Bill No. 53 placed on its final passage, and passed by the following vote:

YEAS—Messrs. Ayres, Booth, Bradshaw, Bulmer, Byington, Byrne, Campbell, Coxe, Cocks, Denton, Drysdale, Enslow, Evans, Fallon, Fay, Jones of Clark, Jones of Washoe, Kemm, Mau, Mayers, Meder, Merritt, Miller, McBride, McIntosh, O'Connor, Plummer, Robins, Salter, Shilling, Schmidt, Schoer, Stickney, Williams, and Wilson—36.

NAYS—Messrs. Arnold, Fitzgerald, Malloy, Piercy, Price, and Staunton—5.

Absent—Messrs. Coppernoll, Donahoue, Fulmer, Kendall, Sullivan, and White—6.

Not voting—Mr. Hacker and Mr. Speaker—2.

Senate Bill No. 121 placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Booth, Bradshaw, Bulmer, Byington, Campbell, Coxe, Cocks, Denton, Drysdale, Evans, Fallon, Fay, Fitzgerald, Fulmer, Hacker, Jones of Clark, Kemm, Kendall, Malloy, Mau, Mayers, Meder, Merritt, Miller, McBride, McIntosh, O'Connor, Plummer, Price, Robins, Salter, Shilling, Schoer, Staunton, Stickney, White, and Williams—40.

NAYS—None.

Absent—Messrs. Coppernoll, Donahoue, Enslow, Jones of Washoe, Piercy, Sullivan, and Wilson—8.

Not voting—Mr. Speaker.

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

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.*

Mr. President:

Your Committee on Conference have had Senate Bill No. 72 under consideration, and beg leave to report that the Assembly rescinds its action on the same.

W. J. BELL, *Chairman.*

On motion of Senator Bell, the report of the Committee on Conference was adopted.

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. 274—An Act supplementary to an Act concerning crimes and punishments entitled "An Act for the prevention of fraudulent issue of stocks, scrip, etc., and providing punishment for the violation of any of the provisions of this Act"—which passed the Assembly by the following vote: Yeas, 25; nays, none; absent, 12; not voting, 12.

Assembly Bill No. 204—An Act relating to foreign corporations, prescribing their duties, defining their rights and providing for service of process thereon—which passed: Yeas, 28; nays, none; absent, 20; not voting, 1.

Assembly Bill No. 183—An Act to exempt from taxation all Young Men's Christian Association buildings, furniture and equipments and the lots of ground on which they stand used therewith and necessary thereto, and to repeal all Acts in conflict with the provisions of this Act—which passed: Yeas, 29; nays, none; absent, 19; not voting, 1.

Senate Bill No. 124, which passed: Yeas, 34; nays, 7; absent, 4; not voting, 4.

Senate Bill No. 53, which passed: Yeas, 37; nays, 5; absent, 6; not voting, 1.

Senate Bill No. 74, which passed: Yeas, 30; nays, none; absent, 18; not voting, 1.

Also, to inform your honorable body that the Assembly has this day receded from its amendments to Senate Bill No. 68.

Also, to inform your honorable body that the Assembly has this day concurred in the amendments adopted by the Senate to Assembly Bills Nos. 283 and 173, and has this day ordered the same to be enrolled.

D. E. MORTON,
Chief Clerk of Assembly.

Senator Tannahill presiding.

INTRODUCTION AND FIRST READING

By Joint Ways and Means Committee:

Senate Bill No. 186—An Act making appropriation for the support of the civil government of the State of Nevada for the years 1911 and 1912.

On motion of Senator Coryell, 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 Joint Ways and Means Committee:

Senate Bill No. 187—An Act to fix the state tax levy, and to distribute the same in the proper funds.

On motion of Senator Coryell, 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.

On motion of Senator Dolf, the Senate concurred in the Assembly amendment to Senate Bill No. 98.

GENERAL FILE AND THIRD READING

On motion of Senator Bergman, the amendments to Assembly Bill No. 153 were adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 190 passed by the following vote:

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

NAYS....None.

Absent....Senators Coryell and Miller....2.

Resolution by Committee on Enrollment:

Resolved, That Senate Bills Nos. 53, 124, 172, and 177 be, and the same hereby are, ordered printed for enrollment in accordance with the provisions of that certain Act entitled "An Act providing for the printing of legislative bills and resolutions, and other matters relating thereto."

Adopted on motion of Senator Mills.

On motion of Senator Mills, Assembly Bill No. 149 was referred to Committee of the Whole.

On motion of Senator Mills, the Senate resolved itself into Committee of the Whole, for the purpose of listening to discussion on Assembly Bill No. 149, Senator Kendall presiding.

The Committee arose without report.

SENATE IN SESSION

President Ross presiding.

Assembly Bill No. 149 was passed by the following vote:

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

NAYS....None.

Absent....Senators Jones and Miller....2.

Not voting....Senator Bergman.

A message was received from the Assembly.

On motion of Senator Mills, Senate Bill No. 174 was taken up out of order.

On motion of Senator Syphus, line 11 of section 33 was amended by striking out all after the word "eleven."

Senate Bill No. 174 was passed by the following vote:

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

NAYS....None.

Absent....Senators Carpenter, Dolf, and Miller....3.

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

SENATE IN SESSION

At 2 p. m.

President Ross presiding.

Roll called.

Absent—Senator Holmes.

Quorum present.

THE SIXTIETH DAY

CARSON CITY (Thursday), March 16, 1911.

House convened at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Arnold, Drysdale, Malloy, White, and Shilling.

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

REPORTS OF COMMITTEES

The Committee on Ways and Means reported Senate Bills Nos. 167, 178, and 150 favorably, with the recommendation that they pass.

The Committee on Agriculture reported Senate Bill No. 168 favorably, with the recommendation that it pass.

MESSAGES FROM THE SENATE

Mr. O'Connor made a motion that the Assembly concur with the amendments offered to Assembly Bill No. 162 by the Senate.

Carried.

Messages from the Senate were read, transmitting Senate Bill No. 162, which passed—Yeas, 19; nays, none.

Substitute for Assembly Bill No. 161, which passed—Yeas, 17; nays, none; absent, 2.

Assembly Bill No. 227, which passed—Yeas, 15; nays, none; absent, 4.

Assembly Bill No. 229, which passed—Yeas, 17; nays, none; absent, 2.

Assembly Bill No. 222, which passed—Yeas, 16; nays, none; absent, 3.

Senate Substitute for Senate Bill No. 11, the Senate concurring in the Assembly amendments.

Assembly Bill No. 226, which passed—Yeas, 18; nays, none; absent, 1.

Assembly Bill No. 202, which passed—Yeas, 17; nays, none; absent, 2.

Assembly Bill No. 156, which passed—Yeas, 12; nays, none; absent, 7.

Senate Bill No. 177, which passed—Yeas, 16; nays, none; absent, 3.

Substitute for Senate Bill No. 187, which passed—Yeas, 15; nays, none; absent, 4.

Assembly Bill No. 158, which passed—Yeas, 17; nays, none; absent, 2.

Assembly Bill No. 125, which passed—Yeas, 12; nays, none; absent, 7.

Assembly Bill No. 265, which passed—Yeas, 18; nays, none; absent, 1.

Assembly Bill No. 109, which passed—Yeas, 16; nays, none; absent, 3.

Assembly Bill No. 126, which passed—Yeas, 18; nays, none; absent, 1.

Senate Substitute for Senate Bill No. 165, which passed—Yeas, 17; nays, none; absent, 2.

On motion of Mr. Schmidt, duly seconded, the Assembly concurred in amendments to Substitute for Assembly Bill No. 161 offered by the Senate.

Assembly Joint and Concurrent Resolution No. 19 considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Booth, Bradshaw, Coxe, Denton, Drysdale, Evans, Kendall, Malloy, O'Connor, Plummer, Price, Salter, Schmidt, Schoer, Staunton, and Williams—17.

NAYS—Messrs. Ayres, Byington, Campbell, Donahoue, Fallon, Jones of Washoe, Kemm, Mayers, Miller, McIntosh, Stickney, and White—12.

Absent—Messrs. Bulmer, Byrne, Coppernoll, Cocks, Enslow, Fay, Fitzgerald, Fulmer, Hacker, Jones of Clark, Mau, Meder, Merritt, Piercy, Robins, Shilling, Sullivan, and Wilson—18.

Not voting—Mr. McBride and Mr. Speaker—2.

On motion of Mr. Mayers, duly seconded, the rules were suspended, Assembly Bill No. 228 considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Ayres, Booth, Bradshaw, Byington, Campbell, Coxe, Denton, Donahoue, Drysdale, Evans, Fallon, Fitzgerald, Fulmer, Jones of Clark, Kendall, Malloy, Mau, Mayers, Miller, McBride, McIntosh, O'Connor, Plummer, Price, Salter, Schoer, Staunton, Stickney, and Williams—29.

NAYS—None.

Absent—Messrs. Arnold, Bulmer, Byrne, Coppernoll, Cocks, Enslow, Fay, Hacker, Jones of Washoe, Kemm, Meder, Merritt, Piercy, Robins, Shilling, Schmidt, Sullivan, White, Wilson, and Mr. Speaker—20.

On motion of Mr. Meder, duly seconded, Assembly Joint and Concurrent Resolution No. 14 was considered engrossed, placed on third reading and final passage, and lost by the following vote:

YEAS—Messrs. Booth, Bradshaw, Donahoue, Evans, Malloy, O'Connor, Price, and Schmidt—8.

NAYS—Messrs. Arnold, Byrne, Coxe, Denton, Fallon, Fulmer, Jones of Clark, Jones of Washoe, Kemm, Kendall, Mau, Mayers, Merritt, Miller, McBride, McIntosh, Plummer, Robins, Shilling, Stickney, and Williams—21.

Absent—Messrs. Ayres, Bulmer, Campbell, Coppernoll, Cocks, Drysdale, Enslow, Fay, Hacker, Meder, Piercy, Salter, Schoer, Staunton, Sullivan, and White—17.

Not voting—Messrs. Byington, Fitzgerald, and Mr. Speaker—3.

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

On motion of Mr. Sullivan, duly seconded, Assembly Bill No. 276 was considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Bradshaw, Coxe, Denton, Donahoue, Drysdale, Evans, Fulmer, Jones of Clark, Jones of Washoe, Kemm, Kendall, Malloy, Mau, Merritt, Miller, McIntosh, O'Connor, Plummer, Price, Robins, Shilling, Schmidt, Schoer, Staunton, Williams, and Mr. Speaker—27.

NAYS—Messrs. Booth, Fallon, McBride, and Stickney—4.

Absent—Messrs. Ayres, Bulmer, Byington, Byrne, Campbell, Coppernoll, Cocks, Enslow, Fay, Fitzgerald, Hacker, Mayers, Meder, Piercy, Salter, Sullivan, White, and Wilson—18.

On motion of Mr. Schmidt, 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 for consideration the following:

Assembly Bill No. 36, which passed—Yeas, 18; nays, 1.

Assembly Bill No. 168, which passed—Yeas, 14; nays, 3; absent, 2.

Assembly Bill No. 172, which passed—Yeas, 17; nays, none; absent, 2.

Assembly Bill No. 192, which passed—Yeas, 17; nays, 1; absent, 1.

Senate Bill No. 142, which passed—Yeas, 14; nays, none; absent, 5.

Senate Bill No. 183, which passed—Yeas, 15; nays, none; absent, 4.

Senate Joint and Concurrent Resolution No. 14, which passed—Yeas, 15; nays, none; absent, 4.

Substitute for Senate Bill No. 53, in which the Senate concurred in the amendments of the Assembly.

INTRODUCTION AND FIRST READING

Senate Bill No. 142.

On motion of Mr. White, 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 Conference.

Senate Joint and Concurrent Resolution No. 14.

On motion of Mr. White, duly seconded, 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 Conference.

Senate Bill No. 183.

On motion of Mr. White, 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 Conference.

The Conference Committee on Assembly Bill No. 134 was composed of Messrs. Jones of Clark, Donahoue, and Schoer.

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

Recess at 4:45 p. m.

HOUSE IN SESSION

At 7 p. m.

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

Roll called.

Quorum present.

GENERAL FILE AND THIRD READING

On motion of Mr. Evans, duly seconded, Senate Bill No. 183 was referred to Committee of the Whole.

On motion of Mr. Evans, duly seconded, the House resolved itself into Committee of the Whole.

Mr. Evans in the chair.

HOUSE IN SESSION

Mr. Speaker in the chair.

The Committee of the Whole reported favorably on Senate Bill No. 183 with the recommendation that it pass.

Senate Bill No. 183 placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Ayres, Bradshaw, Byington, Coxe, Denton, Drysdale, Enslow, Fallon, Fay, Fulmer, Kemm, Kendall, Malloy, Mayers, Merritt, Miller, McIntosh, O'Connor, Piercy, Plummer, Robins, Shilling, Schmidt, Schoer, Staunton, Stickney, White, Williams, and Mr. Speaker—32.

NAYS—None.

Absent—Messrs. Arnold, Booth, Bulmer, Byrne, Campbell, Coppernoll, Cocks, Donahoue, Fallon, Fitzgerald, Hacker, Jones of Clark, Jones of Washoe, Mau, Meder, McBride, Salter, and Wilson—17.

THE SIXTIETH DAY

CARSON CITY (Thursday), March 16, 1911.

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

President Ross presiding.

Roll called.

Absent—Senator Heffernan.

Quorum present.

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

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary have had Assembly Bills Nos. 99, 164, 178, 183 and Senate Bill No. 188 under consideration, and beg leave to report favorably on the same, with the recommendation that they pass.

Also, Assembly Bill No. 286, and beg leave to report favorably on the same, with the recommendation that it do pass, though your committee is of the opinion that said Act is intended to be more or less special in its application.

CLAY TALLMAN, *Chairman*.

Mr. President:

Your Conference Committee on Assembly Bill No. 82 beg leave to report as follows: The Senate agrees to recede from its amendment changing the word "two" in line 1 of section 10 to the word "one" and the Assembly agrees to accept the Senate amendment, changing the word "two" to the word "one" in line 2 of said section 10.

W. J. BELL, *Chairman*.

On motion of Senator Bell, the report was adopted.

On motion of Senator Bell, the Senate receded from its amendment to Assembly Bill No. 82, as recommended by the Committee on Conference.

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. 247—An Act to amend section 1 of an Act entitled "An Act to amend an Act entitled an Act fixing the salaries and compensations of the officers of Humboldt County and consolidating certain offices in said county, and to repeal all other Acts in relation thereto," approved March 9, 1891, approved March 6, 1899, approved March 20, 1903, approved March 13, 1905, approved March 20, 1907—which passed the Assembly by the following vote: Yeas, 36; nays, 4; absent, 8; not voting, 1.

Assembly Bill No. 196—An Act relating to the apportionment and disbursement of money received from poll taxes in Lincoln County—which passed: Yeas, 33; nays, none; absent, 11, not voting, 5.

Assembly Substitute for Assembly Bills Nos. 231 and 236—An Act defining what shall constitute legal residence in the State of Nevada—which passed: Yeas, 31; nays, 5; absent 12; not voting, 1.

Assembly Bill No. 270, which this day passed the Assembly, as amended: Yeas, 26; nays, 16; absent, 4; not voting, 3.

Assembly Bill No. 188—An Act prohibiting the obtaining of personal services, work or labor of another by false or fraudulent representation, fixing penalties for the violation thereof, and other matters properly relating thereto—which passed: Yeas, 32; nays, 6; absent, 8; not voting, 3.

On motion of Senator Mills, Assembly Bill No. 152 was laid on the table.

A motion by Senator Balzar, that Assembly Bill No. 284 be laid on the table, was lost.

On motion of Senator Mills, line 12 of section 6 was amended by striking out after the word "provide" all the remainder of the section.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Enrollment have carefully compared Senate Enrolled Bills Nos. 54, 67, 79, 80, 81, 99, and 161 with the engrossed copies, find the same correctly enrolled, and have this day delivered the same to the Governor.

GEO. T. MILLS, *Chairman*.

GENERAL FILE AND THIRD READING

On motion of Senator Balzar, Assembly Bill No. 284 was indefinitely postponed.

Assembly Bill No. 286 was passed by the following vote:

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

NAYS....None.

Absent....Senators Bergman, Carpenter, and Coryell....3.

A motion by Senator Bell, that Assembly Bill No. 165 be laid on the table, was lost.

A motion by Senator Jones, that Senate Bill No. 165 be laid on the table, was carried.

On motion of Senator Jones, Assembly Bill No. 204 was laid on the table.

On motion of Senator Tannahill, Assembly Bill No. 244 was referred to Committee of the Whole.

A motion by Senator Balzar, that Assembly Bill No. 274 be laid on the table, was lost.

Assembly Bill No. 274 was passed by the following vote:

YEAS....Senators Ascher, Balzar, Bell, Carpenter, Dolf, Heffernan, Holmes, Kendall, Miller, Sweeney, Syphus, and Tannahill....12.

NAYS....Senators Jones, Mack, Mills, Reymers, and Tallman....5.

Absent....Senators Bergman and Coryell....2.

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

SENATE IN SESSION

At 7:30 p. m.

President Ross presiding.

Roll called.

Absent—Senator Syphus.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary have had Assembly Bill No. 207 under consideration, and beg leave to report the same without recommendation.

CLAY TALLMAN, *Chairman*.

Mr. President:

Your Committee on Enrollment have carefully compared Senate Enrolled Bills Nos. 91, 134, 106, 180, 176, 119, 100, 120, 129, 95, and 53 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 Committee on Ways and Means have had Assembly Bills Nos. 285 and 287 under consideration, and beg leave to report favorably on the same, with the recommendation that they do pass.

Also, Senate Bill No. 73 and Assembly Bills Nos. 98, 144, and 151, and report the same back without recommendation.

H. H. CORYELL, *Chairman*.

INTRODUCTION AND FIRST READING

Assembly Bill No. 206—An Act to provide for the sanitary inspection of any place where any food products are manufactured, packed, stored, deposited, collected, prepared, produced, or sold for any purpose whatever, and to provide for the enforcement of this Act, and to provide penalties for the violation thereof.

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 Judiciary.

Assembly Bill No. 181—An Act to amend an Act entitled "An Act defining the duties of the Attorney-General of the State of Nevada," approved March 11, 1867.

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 Judiciary.

Assembly Bill No. 180—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act concerning District Attorneys,' approved March 11, 1865," approved February 10, 1887.

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 Judiciary.

Assembly Bill No. 135—An Act to authorize the issuance of interest-bearing school warrants in emergencies, to repeal all Acts or parts of Acts in conflict herewith, and other matters properly connected therewith.

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 Judiciary.

Assembly Bill No. 289.

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 Ways and Means.

Assembly Bill No. 288.

On motion of Senator Reyniers, 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.

GENERAL FILE AND THIRD READING

On motion of Senator Holmes, Assembly Bill No. 165 was taken up out of order, and placed on third reading and final passage.

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 6851-7529, pp. 1944-2085, 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

VOLUME II



CARSON CITY, NEVADA

STATE PRINTING OFFICE : : : JOE FARNSWORTH, SUPERINTENDENT

1911

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D. 68 D.

**REPORT OF
CODE COMMISSION
OF NEVADA**

47



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,

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Code Commission.