

Legislative History of
Senate Bill 124
of the Twenty-Fifth Session
of the Nevada Legislature
1911

**AN ACT CONCERNING CRIMES AND PUNISHMENTS,
AND REPEALING CERTAIN ACTS RELATING THERETO.**

Approved March 17, 1911; effective January 1, 1912

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 3, 1911.

The Senate was called to order at 10:30 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 Balzar, the Journal was approved as though read.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Agriculture, Irrigation, and Reclamation of Arid Lands have had Senate Bill No. 93 under consideration, and beg leave to report favorably on the same, with the recommendation it pass with the following amendment:

In line 27 of the original bill, after the word "Nevada," insert the following words and figures, to wit: "For the years 1911 and 1912"

LEVI SYPHUS, *Chairman.*

Mr. President:

Your Committee on Fish and Game have had Senate Bill No. 104 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

H. H. CORYELL, *Chairman.*

Mr. President:

Your Committee, the Churchill County Delegation, have had Senate Bill No. 116 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

THOS. DOLF, *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. 121—An Act concerning marriage, providing penalties for the violation of this Act, and repealing all Acts and parts of Acts inconsistent herewith—which passed the Assembly by the following vote: Yeas, 42; nays, 2; absent, 2; not voting, 3.

Assembly Bill No. 100—An Act to amend section 10 of an Act entitled "An Act to provide for registration of the names of electors and to prevent frauds at elections," approved March 5, 1869—which passed: Yeas, 33; nays, 6; absent, 9; not voting, 1.

Assembly Bill No. 104—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder—which passed: Yeas, 37; nays, 5; absent, 2; not voting, 5.

Assembly Bill No. 215—An Act to create a Legislative Fund—which passed: Yeas, 32; nays, none; absent, 16; not voting, 1.

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

By Judiciary Committee:

Senate Bill No. 121—An Act amendatory of and supplemental to an Act entitled "An Act to provide for revising, compiling, annotating and publishing the laws of the State of Nevada, and the compiling, annotating, and publishing therewith certain laws of the United States of particular interest to the State of Nevada, and other matters properly connected therewith, and making an appropriation therefor," which became a law March 31, 1909; making an appropriation for the publishing of such laws and for the paying of expenses heretofore incurred and to be hereafter incurred by the commission provided for in said above-entitled Act.

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

MESSAGES FROM THE ASSEMBLY

To the Honorable the Senate:

I have the honor herewith to return to your honorable body Senate Bill No. 37, which passed the Assembly by the following vote: Yeas, 36; nays, none; absent, 9; not voting, 4.

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

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

SENATE IN SESSION

At 2 p. m.

President Ross presiding.

Roll called.

Absent by leave—Senators Bell and Syphus.

Quorum present.

On motion of Senator Coryell, it was ordered that when the Senate adjourn it adjourn until 10:30 a. m., Monday, March 6, 1911.

SPECIAL ORDER

On motion of Senator Mills, the special order, Senate Bill No. 11, was vacated, and Senate Bill No. 11 made a special order for Monday, March 6, 1911, at 2 p. m.

The time having arrived for the special order, Senate Bill No. 89, was taken up.

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

REPORT OF COMMITTEE OF THE WHOLE

Mr. President:

Your Committee of the Whole have had under consideration Senate Bill No. 89, and beg leave to report favorably on the same, with the recommendation that it pass with the amendments recommended.

Also, Senate Bill No. 96 favorably, with the recommendation that it pass; also, Senate Bills Nos. 109 and 93 without recommendation.

On motion of Senator Kendall, the report was adopted.

INTRODUCTION AND FIRST READING

✓ Senators Dolf, Mack, Tallman, and Coryell were granted leave to introduce bills out of order and without previous notice.

By Committee on Claims:

Senate Bill No. 122—An Act providing for the payment of certain claims against the State for services rendered or supplies furnished, approved by the State Board of Examiners, the appropriations for the payment of which having reverted to the General Fund or was exhausted previous to January 1, 1911.

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 Ways and Means.

By Senator Mack:

Senate Bill No. 123—An Act to provide for the relief of H. C. Jepson, Clerk and Treasurer of Douglas County.

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. 124—An Act concerning crimes and punishments, and repealing certain Acts relating thereto.

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

By Senator Coryell:

Senate Bill No. 125—An Act to provide for the investigation of the water sources of the State of Nevada in cooperation with the United States Government, and to make an appropriation for the expenses of such investigation.

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.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary have had Senate Concurrent Resolution No. 9 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

CLAY TALLMAN, *Chairman.*

The President appointed Senators Bergman and Jones members of the Joint Committee on State Affairs.

On motion of Senator Kendall, the Senate adjourned.

Approved:

GILBERT C. ROSS,

President of the Senate.

Attest: JAMES D. FINCH,

Secretary of the Senate.

THE FIFTIETH DAY

CARSON CITY (Monday), March 6, 1911.

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

President Ross presiding.

Roll called.

Absent by leave—Senators Miller and Syphus.

Quorum present.

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

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Labor have had Assembly Bill No. 60 under consideration, and beg to report favorably on the same, with the recommendation that it pass.

J. A. ASCHER,
F. B. BALZAR,
ALEX L. TANNAHILL,
WILL F. HEFFERNAN.

MINORITY REPORT

Mr. President:

Your Committee on Labor have had Assembly Bill No. 60 under consideration, and beg leave to report unfavorably on the same, with the recommendation that it do not pass. While I believe that every man should get paid in full for his labor, I do not believe this bill will accomplish this. I believe this bill is unconstitutional, and therefore recommend that it do not pass.

GEO. BERGMAN, *Chairman*.

Mr. President:

Your Committee on Enrollment have carefully compared Senate Enrolled Bill No. 37 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 Judiciary have had Assembly Bill No. 90, Senate Bills Nos. 106, 115, and 117 under consideration, and beg leave to report favorably on the same, with the recommendation that they do pass; also, Senate Bill No. 124, and report the same back without recommendation.

CLAY TALLMAN, *Chairman*.

Mr. President:

Your Committee, the Churchill Delegation, have had Senate Bill No. 102 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, the Douglas Delegation, have had Senate Bill No. 123 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

MAURICE MACK, *Chairman*.

Mr. President:

Your Committee, the Elko Delegation, have had Assembly Bill No. 103 under consideration, and beg leave to report favorably on the same, with the recommendation that it do pass.

H. H. CORYELL, *Chairman*.

On motion of Senator Dolf, further action on Senate Bill No. 115 was postponed until March 7, 1911.

On motion of Senator Jones, Senate Bill No. 117 was considered engrossed, placed on third reading and final passage, and passed by the following vote:

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

NAYS—None.

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

On motion of Senator Ascher, further action on Senate Bill No. 50 was postponed until March 7, 1911.

On motion of Senator Bergman, Senate Bill No. 124 was made a special order from 3 to 4 o'clock each day until completed, commencing March 7, 1911, the final vote not to be taken until the day following the completion of the reading.

On motion of Senator Mills, the Senate adjourned until 10:30 a. m., March 7th.

Approved:

GILBERT C. ROSS,

President of the Senate.

Attest: JAMES D. FINCH,

Secretary of the Senate.

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 7, 1911.

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

President Ross presiding.

Roll called.

Absent by leave—Senator Syphus.

Quorum present.

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

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

REPORTS OF COMMITTEES

Mr. President:

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

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

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

CLAY TALLMAN, *Chairman*.

Mr. President:

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

A. W. HOLMES, *Chairman*.

Mr. President:

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

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

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

J. A. ASCHER, *Chairman*.

Mr. President:

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

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

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

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

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

H. H. CORYELL, *Chairman*.

Mr. President:

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

THOS. DOLF, *Chairman*.

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

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

NAYS—None.

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

INTRODUCTION AND FIRST READING

By the Judiciary Committee:

Senate Bill No. 124.

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

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

A message was received from the Assembly.

MESSAGES FROM THE ASSEMBLY

To the Honorable the Senate:

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

J. S. WILSON,

Assistant Chief Clerk of the Assembly.

INTRODUCTION AND FIRST READING

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

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

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

SENATE IN SESSION

At 7:30 p. m.

President Ross presiding.

Roll called.

Absent—Senators Holmes and Syphus.

Quorum present.

INTRODUCTION AND FIRST READING

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

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 8, 1911.

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

President Ross presiding.

Roll called.

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

Quorum present.

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

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

REPORTS OF COMMITTEES

Mr. President:

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

L. N. CARPENTER, *Chairman*.

Mr. President:

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

THOS. DOLF, *Chairman*.

Mr. President:

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

LEVI SYPHUS, *Chairman*.

Mr. President:

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

A. W. HOLMES, *Chairman*.

MESSAGES FROM THE ASSEMBLY

To the Honorable the Senate:

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

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

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

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

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

By Senator Sweeney:

Senate Bill No. 162—An Act in relation to pandering, to define and prohibit the same, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

On motion of Senator Sweeney, 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.

MESSAGES FROM THE ASSEMBLY

To the Honorable the Senate:

I have the honor herewith to transmit to your honorable body Assembly Bill No. 151—An Act concerning the fixing of the salaries of certain county officers in the several counties of the State, providing a method therefor, and relating to other matters properly connected therewith—which passed: Yeas, 25; nays, 18; absent, 5; not voting, 1.

Assembly Bill No. 258—An Act to enable cities and towns to acquire by construction, purchase or otherwise, sewerage systems, light systems, water systems, or combined water and light systems, or combined water, light or sewerage systems, and to issue bonds for the construction or purchase of the same, and to provide for the fixing and collection of rates for the services thereof, and other matters relating thereto—which passed: Yeas, 39; nays, none; absent, 8; not voting, 2.

Assembly Bill No. 56—An Act for the relief of L. G. Couture—which passed: Yeas, 31; nays, 7; absent, 3; not voting, 8.

Senate Bill No. 55, which passed: Yeas, 39; nays, none; absent, 9; not voting, 1.

Assembly Bill No. 186—An Act to incorporate the Town of Las Vegas, in Clark County, and defining the boundaries thereof, and to authorize the establishing of a city government therefor, and other matters relating thereto—which passed: Yeas, 43; nays, none; absent, 5; not voting, 1.

Senate Bill No. 69, which passed: Yeas, 39; nays, none; absent, 8; not voting, 2.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 38 was taken up out of order.

On motion of Senator Tallman, Substitute for Senate Bill No. 38 was adopted.

On motion of Senator Tallman, Substitute for Senate Bill No. 38 was considered engrossed, read third time, and passed by the following vote:

YEAS—Senators Ascher, Balzar, Bell, Bergman, Carpenter, Coryell, Dolf, Holmes, Kendall, Mack, Mills, Sweeney, Tallman, and Tannahill—14.

NAYS—None.

Absent—Senators Heffernan, Jones, Miller, Reymers, and Syphus—5.

Senators Tallman, Dolf, and Ascher moved a call of the House.

Roll called, and the following Senators answered to their names:

Senators Ascher, Bergman, Carpenter, Dolf, Holmes, Kendall, Mack, Mills, Sweeney, Tallman, and Tannahill—11.

Absent—Senators Balzar, Bell, Coryell, Heffernan, Jones, Miller, Reymers, and Syphus—8.

On motion of Senator Mills, the call of the House was dispensed with.

Senate Bill No. 124, special order, was taken up.

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

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 9, 1911.

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

President pro tem. Tallman presiding.

Roll called.

Absent by leave—Senator Ascher.

Quorum present.

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

The Journal approved as though read.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Mines and Mining have had Assembly Bill No. 127 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

Also, Assembly Substitute for Assembly Bill No. 23, and report the same without recommendation.

ZEB KENDALL, *Chairman.*

Mr. President:

Your Committee, the Clark County Delegation, have had Assembly Bill No. 186 under consideration, and beg leave to report favorably on the same, with the recommendation that it pass.

GEO. BERGMAN, *Chairman.*

INTRODUCTION AND FIRST READING

Senators Sweeney and Holmes were granted leave to introduce bills without previous notice.

By Senator Sweeney:

Senate Bill No. 163—An Act relating to the military staff of the Governor of Nevada; providing for the appointment of three regimental officers with the rank of Colonel to serve throughout good behavior; prescribing a method whereby their removal may be effected; providing for the instruction of such citizens as may desire to serve as officers in time of war; prescribing uniform and equipment regulations for all regimental officers; repealing all Acts and parts of Acts in conflict herewith, and for other purposes.

On motion of Senator Bell, 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 Affairs.

By Senator Holmes:

Senate Bill No. 164—An Act to regulate the sale and use of poisons in the State of Nevada, and providing a penalty for the violation thereof.

On motion of Senator Holmes, 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.

INTRODUCTION AND FIRST READING

Senators Mills and Holmes were granted leave to introduce bills out of order and without previous notice.

By Senator Mills:

Senate Bill No. 167—An Act to provide for the repairing and renovation of the Senate Chamber in the Capitol Building of the State of Nevada; recarpeting the floor of said chamber and procuring and replacing therein the dais of the President of the Senate, together with new and modern desks for the use of the Secretary and Clerk of the Senate.

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 Holmes:

Senate Bill No. 168—An Act to provide for the apportionment of water under incorporated ditch companies; prescribing the duties of water users and other persons, and providing penalties for failure to perform such duties; and providing certain duties for the State Engineer.

On motion of Senator Holmes, 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.

GENERAL FILE AND THIRD READING

Assembly Bill No. 15 was passed by the following vote:

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

NAYS—None.

Absent—Senators Ascher and Syphus—2.

SPECIAL ORDER

The special order of business, Senate Bill No. 124, was taken up.

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

SENATE IN SESSION

At 7:30 p. m.

President pro tem. Tallman presiding.

Roll called.

Absent—Senators Mills, Reymers, and Syphus.

Quorum present.

GENERAL FILE AND THIRD READING

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

On motion of Senator Dolf, further action on Senate Bill No. 138 was deferred until March 10, 1911.

On motion of Senator Miller, Senate Bill No. 151 was considered engrossed.

On motion of Senator Bergman, Senate Bill No. 151 was referred to Committee of the Whole.

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 10, 1911.

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

President pro tem. Tallman presiding.

Roll called.

Absent by leave—Senator Jones.

Quorum present.

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

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

REPORTS OF COMMITTEES

Mr. President:

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

W. H. SWEENEY, *Chairman.*

Mr. President:

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

GEO. T. MILLS, *Chairman.*

Mr. President:

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

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

J. A. ASCHER, *Chairman.*

Mr. President:

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

W. J. BELL, *Chairman.*

Mr. President:

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

WILL F. HEFFERNAN, *Chairman.*

Mr. President:

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

WILL F. HEFFERNAN, *Chairman.*

Mr. President:

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

THOS. DOLF, *Chairman.*

Mr. President:

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

On motion of Senator Tannabill, Senate Bill No. 83 was made a special order for March 13th, at 2:30 p. m.

SPECIAL ORDER

Special order, Senate Bill No. 124, was taken up.

Senator Tallman moved the following amendments to Senate Bill No. 124: In lines 16, 17, and 18 of section 121 strike out the words "suffer death or confinement in the State Prison for life, at the discretion of the jury trying the same, or, upon a plea of guilty, the court shall determine the same," and insert in lieu thereof the words "be imprisoned in the State Prison for life."

Amendment lost.

Amend section 148 by striking out the following words in lines 9 and 10: "Or he shall suffer death, if the jury by their verdict affix the death penalty," and changing the comma after the word "years" in said line 9 to a period.

Amendment lost.

Amend section 177 by striking out the following words in lines 8 and 9: "Or he shall suffer death, if the jury by their verdict affix the death penalty," and changing the comma following the word "years" in line 8 to a period.

Amendment lost.

A message was received from the Assembly.

Senator Ascher moved as an amendment that section 278 be made to read as follows:

SEC. 278. It shall be unlawful for any person to sell, furnish or dispose of any opium, morphine, alkaloid-cocaine, or alpha or beta cocaine or any derivative, except upon the signed prescription of a physician, dentist or veterinary surgeon, duly licensed under the laws of the State, and the proprietor or manager of the store shall keep all such prescriptions in a permanent file, and shall be filled but once, and of which no copy shall be taken by any person, and shall at any time allow the same to be inspected and copies thereof to be made by any peace officer, the District Attorney of the county where sold, or any authorized Inspector of Drugs; *provided*, that nothing herein contained shall prohibit any manufacturer or licensed druggist from selling or delivering any of the drugs named to a person known to be a licensed druggist, licensed physician, licensed dentist or veterinary surgeon, nor prohibit a physician or dentist from dispensing the same in good faith to his patients, nor prohibit the sale of patent or proprietary medicines containing opium or any of its derivatives in combination or compound with other active elements, when the dose of opium or any derivative thereof is less than one-quarter grain, nor to the sales of any mixture of the above drugs recognized in the United States pharmacopeia or national formulary. Every person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

A message was received from the Governor.

Amendment carried.

A motion by Senator Bergman, to amend line 5 of section 281 by striking out the words "noisome or," was lost.

A motion by Senator Dolf, to amend line 2 of section 376 by striking out the word "ten," preceding the word "days" and inserting the word "two," was lost.

Senate Substitute for Senate Bill No. 124 was passed by the following vote:

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

NAYS—Senator Bergman.

Absent—Senator Jones.

Assembly Bill No 186 was passed by the following vote:

YEAS—Senators Balzar, Bergman, Carpenter, Coryell, Heffernan, Holmes, Kendall, Mack, Miller, Mills, Sweeney, Syphus, and Tannahill—13.

NAYS—None.

Absent—Senators Ascher, Bell, Dolf, Jones, Reymers, and Tallman—6.

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

SENATE IN SESSION

At 7:30 p. m.

President Ross presiding.

Roll called.

Absent—Senators Jones, Mack, Reymers, and Tallman.

Quorum present.

INTRODUCTION AND FIRST READING

Senators Mills and Bell were granted leave to introduce bills out of order and without previous notice.

By Senator Mills:

Senate Bill No. 174—An Act amending section 33 of an Act entitled "An Act concerning and fixing standard weights and measures and to regulate the sale of commodities or articles of merchandise according to such standards, and to provide fines, penalties, and damages for the violation thereof, and for rules of evidence relating thereto; and to provide for the inspection of weights, measures and weighing and measuring devices and for the enforcement thereof, and making an appropriation for the carrying out of this Act," approved March 9, 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 Fish and Game.

By Senator Bell:

Senate Bill No. 175—An Act to grant a twenty-year exclusive franchise to the Great Western Wireless Telegraph and Telephone Company, Incorporated, to erect stations and carry on a wireless telegraph and telephone service in the State of Nevada.

On motion of Senator Bell, 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.

GENERAL FILE AND THIRD READING

On motion of Senator Holmes, Senate Bill No. 144 was considered engrossed.

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.

MESSAGES FROM THE SENATE

Messages from the Senate were read transmitting for consideration the following:

Assembly Bill No. 186, which passed by a vote of yeas, 12; nays, none; absent, 7.

Assembly Substitute for Assembly Bill No. 78, which passed by a vote of yeas, 15; nays, 2; absent, 2.

Substitute for Senate Bill No. 124, which passed by a vote of yeas, 17; nays, 1; absent, 1.

GENERAL FILE AND THIRD READING

On motion of Mr. Malloy, the rules were suspended, Assembly Bill No. 98 considered engrossed, placed on its third reading and final passage, and passed by the following vote.

YEAS—Messrs. Bradshaw, Bulmer, Byington, Byrne, Cocks, Denton, Enslow, Evans, Fitzgerald, Fulmer, Jones of Washoe, Kemm, Malloy, Mau, Merritt, O'Connor, Plummer, Price, Shilling, Schmidt, Staunton, Sullivan, White, Williams, and Wilson—25.

NAYS—Messrs. Coxe, Donahoue, Fallon, Fay, Jones of Clark, Miller, McIntosh, Piercy, Salter, and Schoer—10.

Absent—Messrs. Campbell, Coppernoll, Hacker, Kendall, Mayers, Meder, McBride, Robins, and Stickney—12.

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

On motion of Mr. Sullivan, the rules were suspended, Assembly Bill No. 137 considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Booth, Bulmer, Byrne, Coxe, Cocks, Denton, Donahoue, Enslow, Evans, Fay, Fitzgerald, Fulmer, Jones of Clark, Jones of Washoe, Kemm, Malloy, Mau, Meder, Merritt, McBride, O'Connor, Piercy, Plummer, Price, Robins, Salter, Shilling, Schmidt, Sullivan, Wilson, and Mr. Speaker—33.

NAYS—Messrs. Byington, Miller, McIntosh, Schoer, and Williams—5.

Absent—Messrs. Bradshaw, Campbell, Coppernoll, Drysdale, Fallon, Hacker, Kendall, Mayers, Staunton, Stickney, and White—11.

On motion of Mr. Sullivan, duly seconded, Senate Substitute for Assembly Bill No. 26 was adopted.

On motion of Mr. White, the special order set for this time was vacated long enough to consider Senate Substitute for Assembly Bill No. 26.

On motion of Mr. Sullivan, the amendments offered by the Senate on Senate Substitute for Assembly Bill No. 26 were concurred in by the House.

SPECIAL ORDER

Assembly Bill No. 229, having been made a special order for this time, was taken up.

On motion of Mr. White, the rules were suspended, Assembly Bill No. 229 was considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Booth, Bradshaw, Byington, Byrne, Campbell, Coxe, Coppernoll, Denton, Donahoue, Drysdale, Enslow, Evans, Fallon, Fay, Fitzgerald, Fulmer, Jones of Clark, Jones of Washoe, Kemm, Malloy, Mau, Mayers, Meder, Merritt, Miller, McBride, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Salter, Shilling, Schmidt, Schoer, Staunton, Sullivan, White, Williams, and Wilson—44.

NAYS—None.

Absent—Messrs. Cocks, Kendall, and Stickney—3.

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

On motion of Mr. Fulmer, the rules were suspended and Assembly Bill No. 238 was made a special order for 2 p. m. today.

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, Mau, 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. Raffice, 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

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.*

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.

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

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

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

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

GENERAL FILE AND THIRD READING

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

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

NAYS....None.

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

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

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

NAYS....Senator Mack.

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

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

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

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

NAYS....None.

Absent....Senator Tallman.

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

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

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

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

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

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

NAYS....None.

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

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

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), March 15, 1911.

House convened at 10 a. m.

Mr. Speaker 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. Fitzgerald, duly seconded, the reading of the Journal was dispensed with, and the same was approved as it stood.

REPORTS OF COMMITTEES

The Conference Committee of the Senate and Assembly concurred in the striking out of the Senate amendment on Substitute for Assembly Bill No. 74.

Mr. Speaker:

Your Committee on State Prison and Asylum has made an examination of the two institutions before mentioned, and begs to submit the following report, with recommendations:

We find that the State Prison needs immediate and decided improvements which, while inexpensive to the State, will improve conditions in that institution to a marked degree.

1. The guards' living quarters should be changed so that the guards may be handier in event of attempted jail-break. The old quarters could be used as a women's department of the prison. Also, guards should be placed in the Warden's quarters.

2. The kitchen and bakery are too small at present, but if improved according to sanitary lines will be all right.

3. The roof over the entire institution leaks every time there is a storm. At one place in the dining-room there is a leak sufficient to allow a regular torrent to run through it, and in the Warden's bedroom nearly all the paper on the ceiling has come off on account of the rain leaking through. We recommend that the roof be fixed, either temporarily or permanently, preferably permanently, as the prison will not be abandoned. The leakage into the guards' sleeping quarters is such that it makes that portion unsanitary and injurious to the health of the occupants.

4. The wash-room, in which the clothes of all the people in the institution are washed, lacks even the bare necessities, and what equipment it does contain is of the very crudest and oldest type. The saving of wear and tear would warrant the purchase of handier and more up-to-date equipment.

5. The piping between the kitchen and dining-room is in a very bad condition, and should be improved at once.

6. We recommend that the sum of \$5,000 be allowed to make necessary improvements.

ASYLUM

1. We find the most imperative want of the Asylum to be in connection with its lavatories and baths in the men's department. For the three stories we find that the floors are wood, there is more or less leakage going from the third to the second, second to the first, and first into the basement, which is deplorable and infectious. We recommend that that portion of the building be entirely taken out, cement floors be installed on each floor and that they be made absolutely sanitary.

2. We find that the mansard roof on the top allows rain water to go through and percolate through the bricks of the structure, which will in a short time destroy the building unless remedied.

3. We find that there are two heating plants burning crude oil; they have no connection whatever; for instance, should the one which supplies heat for the old structure be out of order, the plant for the new part cannot be made to supply heat until the other could be fixed, and vice versa. We recommend that the steam boiler now situated in a small building about 200 feet from the main building, which now supplies water for bathing purposes, etc., be placed in the basement of the main building and used as an

No. 218 considered engrossed, placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Booth, Bradshaw, Bulmer, Byington, Byrne, Campbell, Coxe, Coppernoll, Cocks, Denton, Donahoue, Evans, Fallon, Fay, Fulmer, Jones of Clark, Kendall, Malloy, Mau, Mayers, Merritt, Meder, Miller, McBride, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Shilling, Schmidt, Staunton, Stickney, White, and Wilson—37.

NAYS—None.

Absent—Messrs. Ayres, Drysdale, Enslow, Fitzgerald, Jones of Washoe, Salter, Schoer, Sullivan, and Williams—9.

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

On motion of Mr. Frohlich, duly seconded, no more special orders were accepted and only bills recommended by the Special Committee taken up.

On motion of Mr. Meder, duly seconded, the rules were suspended, Assembly Bill No. 240 considered engrossed, and placed on third reading.

On motion of Mr. Robins, the words "shall also" in line 5 of Section 2 after the word "he" were stricken out, and the words "may in lieu of a personal bond" inserted in lieu thereof.

Assembly Bill No. 240 placed on final passage, and passed by the following vote:

YEAS—Messrs. Booth, Byington, Campbell, Coxe, Coppernoll, Evans, Fallon, Fay, Fulmer, Jones of Clark, Kendall, Malloy, Mayers, Meder, Miller, Merritt, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Shilling, Schmidt, Staunton, Stickney, and White—27.

NAYS—Mr. Kemm.

Absent—Messrs. Arnold, Ayres, Bradshaw, Bulmer, Byrne, Cocks, Denton, Donahoue, Drysdale, Enslow, Hacker, Jones of Washoe, McBride, Salter, Schoer, Sullivan, Wilson, and Mr. Speaker—18.

Not voting—Messrs. Fitzgerald, Mau, and Williams—3.

On motion of Mr. Meder, duly seconded, the House took a recess until 7:30 p. m.

Recess at 4:55 p. m.

HOUSE IN SESSION

At 7:30 p. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

MESSAGES FROM THE SENATE

Messages from the Senate were read, transmitting Assembly Bill No. 179, which passed—Yeas, 17; nays, none; absent, 2.

Senate Bill No. 168, which passed—Yeas, 17; nays, none; absent, 2.

Assembly Bill No. 76, which passed—Yeas, 16; nays, none; absent, 3.

Senate Bill No. 175, which passed—Yeas, 16; nays, 1; absent, 1.

Senate Bill No. 169, which passed—Yeas, 17; nays, 1; absent, 1.

SENATE CHAMBER,
CARSON CITY, NEVADA, March 15, 1911.

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate this day concurred in all amendments to Senate Bill No. 127 except the amendment to Section 121, which was not concurred in. The bill is hereby returned for action by the Assembly.

Also, to inform your honorable body that the Senate this day concurred in the amendment of the Assembly to Senate Bill No. 66.

JAMES D. FINCH,
Secretary of the Senate.

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

Messages from the Senate were read, transmitting Senate Bill No. 178, which passed—Yeas, 12; nays, 3; absent, 4.

Library Note:
Should read
Senate Bill No. 124

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. 150.

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

On motion of Mr. Ayres, the Assembly receded from its amendments to Senate Bill No. 124.

GENERAL FILE AND THIRD READING

Senate Bill No. 67 placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Ayres, Booth, Bradshaw, Byington, Byrne, Campbell, Coxe, Denton, Donahoue, Enslow, Evans, Fallon, Fay, Fitzgerald, Hacker, Jones of Clark, Kemm, Kendall, Malloy, Mau, Meder, Miller, McBride, McIntosh, O'Connor, Plummer, Price, Robins, Schmidt, Schoer, Stickney, Sullivan, White, Williams, and Wilson—37.

NAYS—None.

Absent—Messrs. Bulmer, Coppernoll, Cocks, Drysdale, Fulmer, Jones of Washoe, Merritt, Piercy, Salter, Shilling, and Staunton—11.

Not voting—Mr. Speaker.

On motion of Mr. Hacker, the House reconsidered the vote on Senate Bill No. 96.

On motion of Mr. Hacker, Senate Bill No. 96 was made a special order for 10 p. m. today.

On motion of Mr. Wilson, duly seconded, Senate Substitute for Assembly Bill No. 52 was adopted.

On motion of Mr. Wilson, the Assembly concurred in the Senate amendments to Senate Substitute for Substitute for Assembly Bill No. 52.

On motion of Mr. Fulmer, the House rescinded the action of referring Senate Substitute for Substitute for Assembly Bill No. 52 to Committee of the Whole.

Senate Substitute for Substitute for Assembly Bill No. 52 placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Booth, Byington, Byrne, Campbell, Coxe, Denton, Donahoue, Enslow, Evans, Fallon, Fay, Fitzgerald, Fulmer, Hacker, Jones of Clark, Kemm, Kendall, Mau, Mayers, Meder, Miller, McBride, McIntosh, O'Connor, Piercy, Price, Plummer, Robins, Shilling, Schoer, Stickney, Sullivan, Williams, and Wilson—35.

NAYS—None.

Absent—Messrs. Ayres, Bradshaw, Bulmer, Coppernoll, Cocks, Drysdale, Jones of Washoe, Malloy, Merritt, Salter, Schmidt, Staunton, White, and Mr. Speaker—14.

Senate Bill No. 139 placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Booth, Bradshaw, Byington, Byrne, Campbell, Coxe, Cocks, Denton, Donahoue, Enslow, Evans, Fallon, Fay, Fulmer, Hacker, Jones of Clark, Kemm, Kendall, Mau, Mayers, Meder, Miller, McIntosh, O'Connor, Piercy, Plummer, Price, Robins, Shilling, Schoer, Stickney, Sullivan, Williams, and Wilson—35.

NAYS—None.

Absent—Messrs. Ayres, Bulmer, Coppernoll, Drysdale, Fitzgerald, Jones of Washoe, Malloy, Mau, McBride, Salter, Schmidt, Staunton, White, and Mr. Speaker—14.

On motion of Mr. Meder, duly seconded, Senate Bill No. 70 was referred to Committee of the Whole.

Senate Bill No. 80 placed on third reading and final passage, and passed by the following vote:

YEAS—Messrs. Arnold, Booth, Byington, Byrne, Coxe, Denton, Donahoue, Enslow, Evans, Fay, Fitzgerald, Fulmer, Hacker, Jones of Clark, Jones of Washoe, Kemm, Kendall,

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.

Assembly Bill No. 144—An Act fixing salaries for certain ex officio officers and ex officio duties now imposed on certain state officers and for which no compensation is provided—which passed: Yeas, 30; nays, 6; absent 2; not voting, 11.

Assembly Bill No. 240—An Act to amend section 2 of an Act entitled an Act in relation to County Treasurers, approved November 29, 1861—which passed: Yeas, 27; nays, 1; absent, 18; not voting, 3.

Assembly Bill No. 195—An Act providing for the appointment of Road Supervisors in Lincoln County, and other matters properly connected therewith—which passed: Yeas, 31; nays, 1; absent, 16; not voting, 1.

Senate Bill No. 99, which passed: Yeas, 33; nays, none; absent, 12; not voting, 4.

Senate Bill No. 176, which passed: Yeas, 42; nays, none; absent, 6; not voting, 1.

Senate Bill No. 172, which passed as amended: Yeas, 36; nays, 1; absent, 10; not voting, 2.

Senate Bill No. 67, which passed: Yeas, 37; nays, none; absent, 11; not voting, 1.

Senate Bill No. 54, which passed: Yeas, 32; nays, 2; absent, 15.

Senate Bill No. 100, which passed: Yeas, 33; nays, none; absent, 14; not voting, 2.

Senate Bill No. 137, which passed: Yeas, 35; nays, none; absent, 14.

Senate Bill No. 81, which passed: Yeas, 31; nays, 1; absent, 15; not voting, 2.

Senate Bill No. 80, which passed: Yeas, 34; nays, 1; absent, 11; not voting, 3.

Senate Bill No. 79, which passed: Yeas, 33; nays, none; absent, 15; not voting, 1.

Senate Bill No. 161, which passed: Yeas, 33; nays, 3; absent, 9; not voting, 4.

Senate Bill No. 119, which passed: Yeas, 31; nays, none; absent, 17; not voting, 1.

Senate Bill No. 129, which passed: Yeas, 41; nays, none; absent, 7; not voting, 1.

Senate Bill No. 134, which passed: Yeas, 33; nays, none; absent, 14; not voting, 2.

Senate Bill No. 106, which passed: Yeas, 31; nays, none; absent, 16; not voting, 2.

Assembly Bill No. 270—An Act supplemental to an Act entitled "An Act to provide revenue for the support of the government of the State of Nevada, and to repeal certain Acts relating thereto," approved March 23, 1891, and the Acts amendatory thereof, and to provide for licenses upon the business of disposing at retail or wholesale of spirituous, malt or vinous liquors in this State; providing penalties for violation hereof; repealing an Act entitled "An Act supplemental to an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada, and to repeal certain Acts relating thereto,' approved March 23, 1891, and to all Acts amendatory thereto, and to provide for a state license upon the business of disposing at retail or wholesale of spirituous, malt or vinous liquors in this State, and providing penalties for violation hereof," approved March 15, 1905; repealing an Act entitled "An Act to amend an Act entitled 'An Act supplemental to an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada, and to repeal certain Acts relating thereto,' approved March 23, 1891, and to all Acts amendatory thereof, and to provide for a state license upon the business of disposing at retail or wholesale of spirituous, malt or vinous liquors in this State, and providing penalties for violation thereof,' approved March 15, 1905"; approved March 20, 1907; section 121 of an Act entitled "An Act to provide revenue for the support of the government of the State of Nevada, and to repeal certain Acts relating thereto," approved March 23, 1891, in so far as said section requires the taking out or payment for a license, and all parts of Acts in conflict with this Act—which passed as amended: Yeas, 26; nays, 16; absent, 4; not voting, 3.

Assembly Bill No. 218—An Act to amend section 1 of an Act entitled an Act to amend an Act entitled an Act to provide for the destruction of certain noxious animals, approved March 13, 1891, approved February 14, 1893—which passed: Yeas, 37; nays, none; absent, 9; not voting, 3.

Also, to inform you that the Assembly has rescinded its amendments to Senate Bill No. 124.

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

INTRODUCTION AND FIRST READING

Assembly Bill No. 218—An Act to amend section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the destruction

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 6266-6835, pp. 1804-1939, 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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**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.