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**JOURNAL OF THE  
PROCEEDINGS OF THE ASSEMBLY**

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# PERSONNEL OF NEVADA ASSEMBLY

## Thirty-First Session, 1923

### MEMBERS

HON. J. M. LOCKHART, *Speaker*; HON. A. S. HENDERSON, *Speaker pro tem*.

<i>Name</i>	<i>County</i>	<i>P. O. Address</i>
Long, H. J.	Churchill	Fallon
Towle, Alice S.	Churchill	Fallon
Henderson, A. S.	Clark	Las Vegas
Martin, Roy W.	Clark	Las Vegas
Hussman, George G.	Douglas	Gardnerville
Laing, Chester A.	Elko	North Fork
Murphy, E. C.	Elko	Deeth
Patterson, Webster	Elko	Lamoille
Whitesides, C. E.	Elko	Elko
Davison, Frank	Esmeralda	Goldfield
Hayes, Thomas H.	Esmeralda	Goldfield
Houlahan, John M.	Esmeralda	Goldfield
Whitmore, J. P.	Eureka	Palisade
Peterson, John I.	Humboldt	Golconda
Stites, E. P.	Humboldt	Winnemucca
Tandy, D. H.	Lander	Austin
Love, Hugh E.	Lincoln	Hiko
Henrichs, Peter	Lyon	Yerington
Yeager, J. D.	Lyon	Yerington
Millar, Rita D.	Mineral	Hawthorne
Hays, Louise M.	Nye	Tonopah
Keough, Chas. D.	Nye	Manhattan
Marsh, W. A.	Nye	Manhattan
Robb, D. J.	Nye	Tonopah
Meyers, A. G.	Ormsby	Carson City
Carpenter, W. W.	Pershing	Lovelock
James, M. E.	Storey	Virginia City
Addenbrooke, Bernard R.	Washoe	Reno
Gosse, Marguerite H.	Washoe	Reno
Kennedy, Walter M.	Washoe	Reno
Nelson, Peter L.	Washoe	Reno
Swanson, Harry	Washoe	Reno
Garaventa, Frank L.	Washoe	Wadsworth
Geraghty, Martin R.	Washoe	Sparks
Jurich, Anthony	White Pine	Ely
Lockhart, James M.	White Pine	Ely
Whiteley, George A.	White Pine	Ely

Assemblymen are elected for two years and Senators for four years. Sessions are biennial, convening third Monday of January of odd-numbered years. Duration of session, 60 days. Salary, \$10 per day, not to exceed \$600, and 15 cents per mile for each mile actually traveled in going to and returning from the place of meeting, which said mileage shall, however, be computed, in all cases, upon the shortest practical routes to the said place of meeting. Also \$20 for newspapers and stationery.



# JOURNAL

OF THE

# Assembly of the State of Nevada

## THIRTY-FIRST SESSION

### THE FIRST DAY

CARSON CITY (Monday), January 15, 1923.

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Hon. W. G. Greathouse, Secretary of State, at 12 o'clock noon.

On motion of Mr. Patterson, duly seconded, Mr. C. E. Whitesides of Elko County was nominated as temporary Chairman.

There being no further nominations, on motion of Mr. Murphy, duly seconded, nominations were closed, and Mr. Whitesides declared elected.

The following committee was appointed to escort Mr. Whitesides to the chair: Mr. Patterson of Elko and Mr. Peterson of Humboldt.

Motion made and duly seconded that Mr. Nelson of Washoe County be chosen as temporary Clerk.

Motion unanimously carried.

Motion made, duly seconded and carried that Mr. Meyers be appointed temporary Sergeant-at-Arms.

No objection being offered the temporary Chairman appointed the following Committee on Credentials: Messrs. Patterson, Peterson, and Houlahan.

Upon motion duly seconded and carried the Assembly recessed until 12:20 p. m.

#### HOUSE IN SESSION

At 12:20 p. m.

All present.

The Committee on Credentials reported that additional time was required, and requested that the Assembly recess until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

#### REPORTS OF COMMITTEES

*Mr. Chairman:*

Your Committee on Credentials begs to report that it has examined the credentials and finds all members qualified.

On motion made, duly seconded and carried, the report of the committee was accepted and approved.

On motion duly seconded and carried, a committee of four, consisting of Miss Gosse, Mrs. Hays, Mrs. Millar, and Miss Towle, were appointed to invite one of the Justices of the Supreme Court to administer the oath of office to the members of the Assembly.

Justice Sanders appeared and administered the oath of office, and the members thereupon subscribed to their oaths of office and took their seats as such members.

Moved, duly seconded, and carried that a vote of thanks be extended to Justice Sanders.

The temporary Chairman declared nominations for Speaker in order.

Mr. James M. Lockhart of White Pine County was placed in nomination by Mr. Henderson, seconded by Mr. Addenbrooke and by Mr. Geraghty.

There being no further nominations, on motion of Mr. Jurich, duly seconded and carried, nominations were declared closed, and Mr. Lockhart was elected Speaker by acclamation.

The temporary Chairman appointed Messrs. Geraghty, Laing, and Yeager a committee to escort Mr. Lockhart to the chair. Mr. Lockhart thereupon took the Speaker's chair and expressed to the Assembly his appreciation.

Mr. Speaker announced that nominations for Speaker pro tem were in order.

Mr. Whiteley placed in nomination Mr. Henderson of Clark County.

There being no further nominations, upon motion duly seconded and unanimously carried, nominations were declared closed, and Mr. Henderson was elected by acclamation.

Mr. Long of Churchill County asked leave to introduce a resolution without previous notice.

Leave being granted, Mr. Long offered and moved the adoption of the following resolution:

*Resolved by the Assembly of the State of Nevada,* That the following-named persons be and are hereby declared the attachés of the Thirty-first Session of the Assembly of the State of Nevada:

J. H. Causten, Pershing County, Chief Clerk; Stanley Lockwood, Churchill County, Sergeant-at-Arms; James Collins, Clark County, Assistant Sergeant-at-Arms; Minnie Steinbach, Washoe County; Eva Ryan, Washoe County; Clara Crisler, White Pine County; Louise Borrego, Lander County; Irene Smith, Nye County; Maxine Smoot, Ormsby County; Lena Gale, Douglas County; Mildred Clark, Esmeralda County; Muriel Littlefield, Elko County; Vincent Merialdo, Eureka County; Edith Holland, Lincoln County; Walter Whitacre, Lyon County; Norman Noteware, Ormsby County, Page; Harland Rich, Ormsby County, Page; Sam Martin, Ormsby County, Porter; and that all the above attachés without specific designations be given their specific designations and be assigned to duty by the Chief Clerk.

The resolution was seconded and unanimously adopted.

Moved, duly seconded, and carried that the Speaker appoint a committee of three to invite one of the Justices of the Supreme Court to administer the oath of office to the attachés.

Mr. Speaker appointed Miss Gosse, Mr. Marsh and Mr. Hussman.

The committee retired, and the Speaker instructed the clerk to call the roll of the attachés.

The following attachés answered to their names:

J. H. Causten, James Collins, Minnie Steinbach, Eva Ryan, Clara Crisler, Irene Smith, Maxine Smoot, Lena Gale, Muriel Littlefield, Vincent Meriardo, Edith Holland, Walter Whitacre, Norman Noteware, Harland Rich, and Sam Martin.

Absent—Stanley Lockwood, Louise Borrego, and Mildred Clark.

On motion of Mr. Whitesides, duly seconded and carried, absent attachés were granted until Wednesday noon to report.

Justice Ducker appeared and administered the oath of office to the attachés.

Moved, seconded, and carried that a vote of thanks be extended to Justice Ducker.

Moved, seconded, and duly carried that a committee of three be appointed to wait upon the Governor and inform him that the Assembly was duly organized and ready for business.

A committee, consisting of Messrs. Addenbrooke, Long, and Jurich, was appointed by the Speaker.

Motion made that a committee of three be appointed to wait upon the Senate and inform them that the Assembly was duly organized and ready for business.

Motion duly seconded and carried, and the following committee was appointed by the Speaker: Mr. Henderson, Mrs. Hays, and Miss Towle.

The Speaker assigned seats at the press table to Mr. Clyde, Mr. Jones, and Mr. Mooney.

On motion duly seconded and unanimously carried the rules of the Thirtieth Session were adopted as the rules of the Thirty-first Session of the Assembly.

Mr. Whitesides moved that a committee of one be appointed to secure the services of a Chaplain for the Assembly.

Motion was seconded by Miss Gosse and duly carried.

The Speaker appointed Mr. Meyers.

The committee appointed to wait on the Governor reported that the Governor was ready at any time to deliver his message.

On motion of Mr. Murphy, duly seconded and carried, the Speaker appointed Mr. Swanson, Mrs. Hays, and Mr. Murphy a Committee on Mileage.

On motion of Mr. Whiteley, seconded by Mr. Whitesides, the Assembly adjourned until 11 a. m. Tuesday, January 16, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE SECOND DAY

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CARSON CITY (Tuesday), January 16, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called:

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—36.

Absent—Millar.

Mr. Henderson moved, duly seconded and carried, that the reading of the Journal be approved with needed corrections by the Speaker and Clerk.

A communication inviting members of the Assembly to avail themselves of the privileges of the Sagebrush Club was read by the Clerk.

On motion of Mr. Whiteley, duly seconded and carried, the invitation was accepted with thanks.

Mr. Swanson, Chairman of Committee on Mileage, submitted the following:

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Mileage begs leave to submit the following report:

<i>Churchill County</i>		
H. J. Long.....	182 miles	\$18.20
Alice S. Towle.....	182 miles	18.20
<i>Clark County</i>		
A. S. Henderson.....	2148 miles	214.80
Roy W. Martin.....	2148 miles	214.80
<i>Douglas County</i>		
George G. Hussman.....	34 miles	3.40
<i>Elko County</i>		
Chester A. Laing.....	792 miles	79.20
E. C. Murphy.....	768 miles	76.80
Webster Patterson.....	733 miles	73.30
C. E. Whitesides.....	688 miles	68.80
<i>Esmeralda County</i>		
Frank Davison.....	630 miles	63.00
Thomas Hayes.....	630 miles	63.00
John M. Houlahan.....	630 miles	63.00
<i>Eureka County</i>		
J. P. Whitmore.....	628 miles	62.80
<i>Humboldt County</i>		
John I. Peterson.....	444 miles	44.40
E. P. Stites.....	408 miles	40.80

<i>Lander County</i>		
D. H. Tandy.....	712 miles	71.20
<i>Lincoln County</i>		
Hugh E. Love.....	1998 miles	199.80
<i>Lyon County</i>		
Peter Henrichs.....	266 miles	26.60
J. D. Yeager.....	314 miles	31.40
<i>Mineral County</i>		
Rita D. Millar.....	408 miles	40.80
<i>Nye County</i>		
Louise M. Hays.....	570 miles	57.00
Charles D. Keough.....	670 miles	67.00
W. A. Marsh.....	670 miles	67.00
Daniel J. Robb.....	570 miles	57.00
<i>Ormsby County</i>		
A. G. Meyers.....	2 miles	.20
<i>Pershing County</i>		
W. W. Carpenter.....	264 miles	26.40
<i>Storey County</i>		
M. E. James.....	42 miles	4.20
<i>Washoe County</i>		
B. R. Addenbrooke.....	62 miles	6.20
Frank L. Garaventa.....	132 miles	13.20
Martin P. Geraghty.....	68 miles	6.80
Marguerite H. Gosse.....	62 miles	6.20
Walter Kennedy.....	62 miles	6.20
Peter L. Nelson.....	62 miles	6.20
Harry Swanson.....	62 miles	6.20
<i>White Pine County</i>		
Anthony Jurich.....	1144 miles	114.40
James M. Lockhart.....	1144 miles	114.40
George A. Whiteley.....	1144 miles	114.40

HARRY SWANSON, *Chairman.*

On motion of Mr. Whitesides, duly seconded and carried, the report was received and approved, and the committee discharged from further service, with the thanks of the Assembly.

Mr. Meyers, a committee of one to secure services of Chaplains for the Assembly, reported he had arranged for the services of Rev. Mr. Harvey, Rev. Mr. Bateman, Rev. Mr. Hunter, and Father Murphy.

On motion of Mr. Whiteley, duly seconded and carried, the Speaker appointed a committee, consisting of Messrs. Whiteley, Long, and Robb, to rearrange the seats in the Assembly Chamber.

On motion of Mr. Addenbrooke, duly seconded and carried, the Speaker appointed a committee, consisting of Messrs. Addenbrooke and Whitesides and Mrs. Hays, to secure and assign committee-rooms for the use of various committees.

Notice was given by Mr. Love that on some future legislative day he would offer an amendment to Rule 69 and the adding of a section, to be known as Section 29, to the Assembly rules.

Notice was given by Mr. Tandy that on some future legislative day he would offer an amendment to Assembly Rule No. 1.

A communication from the Secretary of State, enclosing vetoed bills Nos. 46, 83, 101, 203, 229, and 256 of the 1921 Session, was received and read.

On motion of Mr. Henderson, duly seconded and carried, the reading of vetoed bills was made the special order of business for Thursday, January 18, 1923, at 2:30 p. m.

On motion of Mr. Henderson, duly seconded and carried, the Speaker appointed Mr. Henderson, Miss Gosse, and Miss Towle a special committee to invite the Senate to sit in joint session with the Assembly to hear the reading of the Governor's message at 2:30 p. m.

The committee appointed to invite the Senate to sit in joint session with the Assembly reported that they had performed their duty, and were discharged from further service by the Speaker.

A committee from the Senate appeared at the bar of the Assembly and formally accepted on behalf of the Senate the invitation of the Assembly to sit in joint session at 2:30 p. m.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your committee appointed to secure rooms for the different committees begs leave to make the following report and assignment of rooms:

Room 2—Committees on Elections, Corporations, Printing, and Military and Indian Affairs.

Supreme Courtroom—Judiciary, or any other committee when not in use.

Room 56—Ways and Means, and Fish and Game.

Room 34—Labor Committee.

Room 18—Banks and Banking.

Room 17—Mines and Mining, and Railroads.

Room 14—Engrossed Bills, Enrolled Bills, and Education.

Assembly Chamber—Public Lands, Federal Relations, State Prison and Hospital for Mental Diseases, Claims, Rules and Joint Rules, Agriculture, Irrigation, and Taxation.

B. R. ADDENBROOKE,

C. E. WHITESIDES,

LOUISE M. HAYS,

*Committee.*

On motion of Miss Gosse, duly seconded and carried, report received and approved, and the committee discharged from further duty.

On motion of Mr. Whitesides, duly seconded and carried, recess was taken until 2:25 p. m.



## HOUSE IN SESSION

At 2: 25 p. m.

Mr. Speaker in the chair.

## IN JOINT SESSION

The members of the Senate appeared to meet in joint session and were welcomed by the Speaker.

A committee of three, consisting of Miss Gosse and Messrs. James and Whiteley were appointed by the Speaker to escort the Lieutenant-Governor to the Speaker's chair, to preside over the joint session.

The Chief Clerk of the Assembly was appointed to act as Chief Clerk of the joint session.

Motion by Mr. Davison, duly seconded and carried, to appoint a committee of three to escort the Governor to the Assembly Chamber.

The Chair appointed a committee, consisting of Senator Sprague, Mrs. Millar, and Mr. Nelson, to conduct the Governor to the rostrum.

Governor Scrugham read his message.

Motion made by Senator Fitzgerald, duly seconded and carried, to extend a vote of thanks to the Governor for reading his message.

Motion by Senator Fitzgerald, duly seconded and carried, to dissolve the joint session of the Senate and Assembly.

## HOUSE IN SESSION

Mr. Speaker in the chair.

Motion by Mr. Jurich, duly seconded and carried, to adjourn until 11 a. m. Wednesday, January 17, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE THIRD DAY

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CARSON CITY (Wednesday), January 17, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, the Journal was approved and the Chief Clerk authorized to make any necessary corrections.

On motion of Miss Towle, duly seconded and carried, Rule No. 58 was suspended for the remainder of the legislative day.

The Speaker announced the following Assembly Standing Committees, the first-named member of each committee being its chairman:

### STANDING COMMITTEES OF THE ASSEMBLY

#### ELECTIONS

Whitesides, Addenbrooke, Mrs. Hays, Henderson, Long.

#### CORPORATIONS AND RAILROADS

Murphy, Nelson, Houlahan, Davison, Peterson.

#### PUBLIC PRINTING

Tandy, Mrs. Millar, Love.

#### WAYS AND MEANS

Addenbrooke, Hussman, Long, Keough, Henderson, Laing, Peterson.

#### CLAIMS

Yeager, Nelson, Love, Marsh, Meyers.

#### JUDICIARY

Kennedy, Whiteley, Miss Towle, Swanson, Jurich, Marsh, Houlahan.

#### MILITARY AND INDIAN AFFAIRS

Swanson, Tandy, Geraghty, Henrichs, Stites.

#### COUNTIES AND COUNTY BOUNDARIES

Love, Whitmore, Meyers, Miss Gosse, Robb

#### EDUCATION

Whiteley, Henderson, Miss Towle, Mrs. Hays, Jurich.

#### TRADES AND MANUFACTURES

Whitmore, Addenbrooke, Hayes, Davison, Patterson.

#### AGRICULTURE

Patterson, Yeager, Murphy, Carpenter, Laing.

#### INTERNAL IMPROVEMENTS

Garaventa, Kennedy, Henrichs, Whitmore, Laing.



## STATE INSTITUTIONS

Henrichs, Miss Gosse, Meyers, Robb, Hayes.

## CONTINGENT EXPENSES AND ACCOUNTS

Miss Gosse, Yeager, Patterson, Robb, James.

## MINES AND MINING

Houlahan, Keough, Whitmore, Marsh, James.

## FEDERAL RELATIONS

Henderson, Swanson, Whiteley, Mrs. Millar, Hayes.

## ENGROSSMENT

Miss Towle, Tandy, Nelson.

## ENROLLMENT

Patterson, Whiteley, Mrs. Hays.

## MILEAGE

Swanson, Whitesides, Murphy.

## PUBLIC MORALS

Martin, Geraghty, Jurich, Kennedy, Stites.

## STATE LIBRARY

Whitesides, Miss Gosse, Mrs. Hays, Tandy, Mrs. Millar.

## PUBLIC LANDS

Keough, Garaventa, Hussman, Stites, Yeager.

## STATE PRISON AND INSANE ASYLUM

Addenbrooke, Martin, Robb.

## LABOR

Geraghty, Houlahan, Keough, James, Hayes.

## ROADS AND HIGHWAYS

Long, Martin, Garaventa, Peterson, Davison.

## BANKS AND BANKING

Nelson, Hussman, Long, Carpenter, Davison.

## FISH AND GAME

Meyers, Swanson, Whitesides, Peterson, Jurich.

## IRRIGATION

Hussman, Henrichs, Miss Towle, Marsh, Carpenter.

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 1, which passed the Senate—Yeas, 17; nays, none.

Also, Senate Joint and Concurrent Resolution No. 1, which passed—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

## REPORTS OF COMMITTEES

Mr. Whiteley reported that the committee selected to rearrange the seats in the Assembly Chamber had performed its duty.

On motion of Mr. Houlahan, duly seconded and carried, the committee was discharged.

## MOTIONS AND RESOLUTIONS

By Mr. Love:

Assembly Resolution No. 1:

*Resolved*, That Rule 69 be amended, by adding a new section to be known as Section 29, and to read as follows:

Section 29: "A Committee on Live Stock to consist of five members."

On motion of Mr. Love, duly seconded, the resolution was adopted.

By Mr. Whiteley:

Assembly Resolution No. 2:

WHEREAS, It is the desire of members of this Assembly to vote intelligently upon matters presented for their consideration; and

WHEREAS, It is necessary in order to so vote that sufficient time be given to familiarize themselves with various changes and amendments in the bills reported back from the committees; now, therefore, be it

*Resolved*, That no bill shall be placed upon third reading and final passage upon the same day it has been reported back from a committee, but said bill shall be placed on the general file until the next legislative day thereafter. This resolution shall not apply to the last five days of this session.

On motion of Mr. Whiteley, duly seconded, the resolution was adopted.

## INTRODUCTION AND FIRST READING

Mr. Geraghty was granted leave to introduce a bill without previous notice.

By Mr. Geraghty:

Assembly Bill No. 1—An Act to amend an Act entitled "An Act to prevent the obtaining of labor under false representation or pretense, and prescribing a penalty therefor," approved March 27, 1913.

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

Senate Bill No. 1—An Act to create a Legislative Fund.

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

Senate Joint and Concurrent Resolution No. 1.

On motion of Mr. Jurich, duly seconded and carried, resolution was referred back to Senate for correction.

On motion of Mr. Jurich, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

Communication from Carson Social Club read.

Mr. Speaker announced that all absent attachés had reported for duty and taken the oath.

## MOTIONS AND RESOLUTIONS

Mr. Swanson was granted leave to present a resolution without previous notice.

By Mr. Laing :

Assembly Resolution No. 4 :

*Resolved*, That after the 15th day of February, 1923, no bills, joint or concurrent resolutions shall be introduced without two-thirds consent.

Motion made by Mr. Laing, duly seconded by Mr. Hussman, that resolution be adopted as read.

Motion lost.

## INTRODUCTION AND FIRST READING

Mr. Kennedy asked leave to introduce a bill without previous notice. Permission granted.

By Mr. Kennedy :

Assembly Bill No. 2—An Act to amend section 7 of an Act entitled "An Act concerning the insane of the State, creating a Board of Commissioners for the Care of the Indigent Insane, and to provide for the care of the insane," approved March 25, 1913, approved March 6, 1915.

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

By Miss Towle :

Assembly Bill No. 3—An Act to validate county high-school bond elections, and also the bonds issued in pursuance of such elections.

On motion of Miss Towle, duly seconded, rules suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Education.

Mr. Speaker announced that the Committee on Live Stock would be named Thursday morning.

On motion of Mr. Jurich, duly seconded and carried, Assembly adjourned until 11 a. m., January 18, 1923.

Approved :

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest : J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE FOURTH DAY

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CARSON CITY (Thursday), January 18, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Invocation by Rev. T. W. Bateman.

On motion of Mr. Whiteley, duly seconded, the Journal was approved, and the Chief Clerk authorized to make any necessary corrections.

The Speaker announced that the Livestock Committee would consist of the following members: Messrs. Love, Garaventa, Keough, Hussman, and Murphy.

### MOTIONS AND RESOLUTIONS

By Mr. Tandy:

Assembly Resolution No. 5:

*Resolved*, That Assembly Standing Rule No. 1 be and hereby is amended to read as follows:

On and after Monday, January 17, 1923, the Assembly shall meet each day, except Sunday, at 10 o'clock a. m., unless the Assembly shall adjourn to some other hour.

Remarks by Messrs. Jurich, Tandy, and Henderson.

Motion lost.

### INTRODUCTION AND FIRST READING

Mr. Marsh was granted leave to introduce a bill without previous notice.

By Mr. Marsh:

Assembly Bill No. 4—An Act to amend an Act entitled "An Act exempting property of veterans," approved March 10, 1917.

On motion of Mr. Marsh, 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. Swanson was granted leave to introduce a bill without previous notice.

By Mr. Swanson:

Assembly Bill No. 5—An Act to create a county license board, to provide for the fixing and imposing of license fees and the issuance and revocation of licenses thereby for billiard or pool halls, dancing halls, bowling alleys, theaters, soft-drink establishments, gambling games or devices permitted by law, and other places of amusement, entertainment, or recreation; defining its powers and duties; and other matters relating thereto.

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



## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Concurrent Resolution No. 1, which was adopted by the Senate January 16, 1923, by the following vote: Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

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

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

All present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills No. 1, 2, and 3, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

## INTRODUCTION AND FIRST READING

Mr. Geraghty was granted leave to introduce a resolution without previous notice.

By Mr. Geraghty:

Concurrent Resolution No. 1, limiting the duration of the Thirty-first Session of the Legislature of the State of Nevada.

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

Mr. Houlahan was granted leave to introduce a bill without previous notice.

By Mr. Houlahan:

Assembly Bill No. 6—An Act to repeal an Act entitled "An Act to require District Attorneys to make certain reports to the Attorney-General," approved March 1, 1889, as amended by Act approved March 25, 1915, being sections 1608 and 1609, Revised Laws of Nevada, 1912, and section 1608, Revised Laws of Nevada, 1919.

On motion of Mr. Houlahan 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.

On motion of Mr. Laing, duly seconded and carried, special order of business for day, set for 2:30 p. m. was advanced to 3:10 p. m.

## SPECIAL ORDER

The hour having arrived by the special order, Mr. Speaker announced that the Assembly at this time would consider the vetoed bills of the Thirtieth Session (1921).

Governor's message transmitting vetoed bills was read by the Chief Clerk.

Assembly Bill No. 46 of the Thirtieth Session was read in full, with the veto message which was as follows:

HON. GEORGE BRODIGAN, *Secretary of State, Carson City, Nevada.*

SIR: I am depositing with you, without my approval, Assembly Bill No. 46, entitled "An Act providing for the collection and preservation of certain manuscript records."

This bill makes an unlimited appropriation from the Library Fund, which has been budgeted.

It is hoped that the Library Commission may be able to carry out its provisions without it.

My objection lies against the reopening of any fund which was limited by the Legislature to a specific appropriation.

Respectfully submitted,

EMMET D. BOYLE, *Governor.*

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

Roll-call:

YEAS—None.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

Not voting—Mr. Speaker.

Assembly Bill No. 46 of the Thirtieth Session, having failed to receive the necessary two-thirds vote, was declared lost.

Assembly Bill No. 83 of the Thirtieth Session was read in full, with the veto message, which was as follows:

HON. GEORGE BRODIGAN, *Secretary of State, Carson City, Nevada.*

SIR: I am depositing with you, without my approval, Assembly Bill No. 83, entitled "An Act relating to the safety of employees engaged in the operation of trains and providing a penalty for the violation thereof."

This measure is designed to abrogate a certain operating rule of railway companies which requires the presence of brakemen on top of moving cars and trains at certain specified times and places and to substitute therefor a prohibitive law denying the right either to the company to promulgate certain rules or to conductors or others in charge of trains to exercise individual judgment in the matter of requiring service.

A serious objection lies against any measure which attempts to so seriously interfere with the right of private contract. Railroads are held to strict accountability both by the Interstate Commerce Commission and by the State Public Service Commission in the matter of operations calculated to protect the public safety—the employees being considered a part of the public in all such matters. This measure differs from others vigorously supported by labor in the past in that it essays to limit the option of the railways in making and enforcing safety regulations, whereas in other cases there was no question as to the identical interests of the public and employee.

My investigation of this measure develops these facts:

*First*—That it departs from the usual practice of requiring safety devices to overcome unusual hazards in operation.

*Second*—That it aims to establish the dangerous principle that the legislature is a qualified judge of the merits of controversies affecting the operation of a most intricate and varied industry which always have been and always must be settled between the contracting parties.

*Third*—That it seeks to employ prohibitive legislation, inflexible in character and apparently designed to resolve a very recent controversy between men and managers on a particular railway over a particular rule of the said company.



*Fourth*—That it goes far beyond the recommendation of the employees' committee which has been negotiating a modification of the rule with the said company.

*Fifth*—That it does not meet the approval of many thoughtful train-service men who, even while emphatic in their declaration that the rule in question is often enforced too rigidly and with too little consideration for the safety of employees, nevertheless maintain that this proposed legislation goes altogether too far in the effort to correct the situation.

*Sixth*—That it is unique legislation, nothing like it appearing on the statutes of any other State.

It lies within the power both of the State Public Service Commission and the Interstate Commerce Commission certainly to prescribe devices to safeguard the lives and limbs of men the hazard of whose employment is affected by the said rule; probably to compel modification of the rule on complaint and hearing should the same be considered in connection with the operation of safety devices. The remedy lies there, not in the Legislature. Men interested in the matter will fail to find, I believe, in the whole category of intelligent labor legislation a precise parallel for it.

Respectfully submitted,

EMMET D. BOYLE, *Governor*.

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

Roll-call:

YEAS—Davison, Geraghty, Hayes, Jurich, Murphy, and Tandy—6.

NAYS—Addenbrooke, Carpenter, Garaventa, Gosse, Hays, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

Not voting—Henderson and Mr. Speaker—2.

Assembly Bill No. 83 of the Thirtieth Session, having failed to receive the necessary two-thirds vote, was declared lost.

Assembly Bill No. 145 of the Thirtieth Session was read in full, with the veto message, which was as follows:

HON. GEORGE BRODIGAN, *Secretary of State, Carson City, Nevada*.

SIR: I am depositing with you, without my approval, Assembly Bill No. 145, entitled "An Act to provide for the destruction of noxious animals and to repeal an Act relating thereto."

I am personally convinced that the bounty system is not a business proposition from the public standpoint.

There is ample evidence to show that not less than 80% of the noxious animals upon which bounties are collected are killed without consideration of the bounty and would be killed anyhow, bounty or no bounty.

I would, however, subordinate my prejudice against the system were there any popular demand for it. Inquiry develops, however, that only three counties, speaking through their Boards of Commissioners, want this law approved, while twelve county boards have requested its veto.

Respectfully submitted,

EMMET D. BOYLE, *Governor*.

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

YEAS—None.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—35.

Not voting—Whitmore and Mr. Speaker—2.



Assembly Bill No. 145 of the Thirtieth Session, having failed to receive the necessary two-thirds vote, was declared lost.

Assembly Bill No. 161 of the Thirtieth Session was read in full, with the veto message, which was as follows:

HON. GEORGE BRODIGAN, *Secretary of State, Carson City, Nevada.*

SIR: I am depositing with you, without my approval, Assembly Bill No. 161, entitled "An Act to amend 'An Act regulating automobiles or motor vehicles on public roads, highways, park or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof, and prescribing penalties for its violation; designating the manner of handling receipts therefrom and the purpose for which it may be expended, and in what manner, and repealing an Act of the same title approved March 24, 1913' (Statutes of Nevada, 1915, page 348), as the same has been amended."

This measure segregates the amount of the estimated expenses of the Secretary of State from the receipts for auto licenses, to lower the cost of administering the auto license system and places the moneys so segregated in the general fund subject to legislative appropriation.

It attempts to improve the present method and would have done so had the Legislature in fact made an appropriation to carry on this work. Through some inadvertence the item, included in the budget and in the general appropriation Act by me, was stricken from the latter.

Respectfully submitted,

EMMET D. BOYLE, *Governor.*

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

Roll-call:

YEAS—None.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

Not voting—Mr. Speaker.

Assembly Bill No. 161 of the Thirtieth Session, having failed to receive the necessary two-thirds vote, was declared lost.

Assembly Bill No. 203 of the Thirtieth Session was read in full, with the veto message, which was as follows:

HON. GEORGE BRODIGAN, *Secretary of State, Carson City, Nevada.*

SIR: I am depositing with you, without my approval, Assembly Bill No. 203, entitled "An Act to amend section 8 of an Act entitled 'An Act to provide a general highway law for the State of Nevada,' approved March 23, 1917, as amended by Act approved February 21, 1919, as amended February, 1921."

This bill is identical with Assembly Bill No. 232, except that the latter contains an additional provision for Route 9 of the Highway System. It is therefore unnecessary since its provisions have been put into effect by the approval of said Assembly Bill No. 232.

Respectfully submitted,

EMMET D. BOYLE, *Governor.*

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

Roll-call:

YEAS—None.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy,

Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

Not voting—Mr. Speaker.

Assembly Bill No. 203 of the Thirtieth Session, having failed to receive the necessary two-thirds vote, was declared lost.

Assembly Bill No. 239 of the Thirtieth Session was read in full, with the veto message, which was as follows:

HON. GEORGE BRODIGAN, *Secretary of State, Carson City, Nevada.*

SIR: I am depositing with you, without my approval, Assembly Bill No. 229—An Act regulating the procedure for obtaining refund of moneys from the State Treasury and from the County Treasury under certain circumstances and upon certain conditions.

While not mandatory, this Act appears to permit and sanction the principle that state contract land need not be assessed at a minimum of \$1.25 per acre as provided for in Section 3838, Revised Laws, 1912.

It does not seem to me to be desirable that this legal provision be weakened.

Respectfully submitted,

EMMET D. BOYLE, *Governor.*

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

Roll-call:

YEAS—Jurich, Marsh, and Tandy—3.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Stites, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

Not voting—Robb and Mr. Speaker—2.

Assembly Bill No. 229 of the Thirtieth Session, having failed to receive the necessary two-thirds vote, was declared lost.

Assembly Bill No. 256 of the Thirtieth Session was read in full, with the veto message, which was as follows:

HON. GEORGE BRODIGAN, *Secretary of State, Carson City, Nevada.*

SIR: I am depositing with you, without my approval, Assembly Bill No. 256—An Act to amend an Act regulating the fiscal management of counties, cities, towns, school districts, and other governmental agencies.

The provisions of this bill are incorporated word for word in section 2 of Senate Substitute for Assembly Bill No. 58. It is therefore superfluous.

Respectfully submitted,

EMMET D. BOYLE, *Governor.*

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

Roll-call:

YEAS—None.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

Not voting—Mr. Speaker.

Assembly Bill No. 256 of the Thirtieth Session, having failed to receive the necessary two-thirds vote, was declared lost.

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Joint Resolution No. 2, which the Senate this day adopted, as amended, by the following vote: Yeas, 16; nays, none; absent, 1.

Amend as follows by adding a new paragraph:

*"And that it be further resolved, That the Secretary of State be instructed upon its adoption to transmit a copy of same by wire to President Harding, Senators Oddie and Pittman, and Congressman Arentz."*

Also, to present Senate Bill No. 4, which this day passed the Senate by the following vote: Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Whitesides, duly seconded and carried, the Assembly adjourned until 11 a. m., January 19, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE FIFTH DAY

CARSON CITY (Friday), January 19, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, the Journal was approved, and the Chief Clerk authorized to make any necessary corrections.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means has had Assembly Concurrent Resolution No. 1 and Senate Bill No. 1 under consideration, and begs leave to report favorably on the same with the recommendation that they do pass.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 1 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

MARTIN P. GERAGHTY, *Chairman.*

*Mr. Speaker:*

Your Committee on Fish and Game has had Senate Concurrent Resolution No. 1 under consideration, and begs leave to report as a substitute for the same the following:

*Resolved by the Assembly, the Senate concurring.* That, whereas, the Constitution limits the length of the legislative session to sixty (60) days, but does not limit the minimum time of the session; therefore, be it

*Resolved by the Assembly, the Senate concurring.* That this legislative session shall adjourn *sine die* at the earliest possible time permitted by the proper performance of the work before it, whether that time be February 24, 1923, or at an earlier or later date.

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

Your Committee on Education has had Assembly Bill No. 3 and Senate Joint Resolution No. 2 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Assembly Resolution No. 1 under consideration, and begs leave to report on the same without recommendation.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 4, 5, and 6, and Assembly Concurrent Resolution No. 1, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 5, which passed the Senate, January 18, 1923, by the following vote: Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

## MOTIONS AND RESOLUTIONS

On motion of Mr. Henderson, duly seconded and carried, Senate Bill No. 1 was declared an emergency measure and placed on top of file, for final reading and passage this day.

On motion of Mr. Henderson, duly seconded and carried, Assembly Concurrent Resolution No. 1 was declared an emergency measure and placed at top of file, for third reading and final passage.

On motion of Mrs. Hays, duly seconded and carried, Rule 58 was suspended for the remainder of the legislative day.

Mr. Marsh was granted leave to introduce a resolution without previous notice.

By Mr. Marsh:

Assembly Resolution No. 6:

*Resolved*, That the Assembly elect some competent person experienced in such work to serve the Assembly and all the members thereof, and all standing and special committees of the Legislature in the drafting of bills, and in the performance of such other duties as may be required of him; the person so elected to receive the sum of ten dollars (\$10) per day in full compensation for all services so rendered, to be paid out of the Legislative Fund now or hereafter to be created, in like manner as the salaries of members of the Legislature are paid, such employment to continue during the term of the Thirty-first Session of the Legislature or as otherwise ordered during said session.

On motion of Mr. Marsh, duly seconded and carried, the resolution was adopted.

## INTRODUCTION AND FIRST READING

Mr. Whiteley was granted leave to introduce a bill without previous notice.

By Mr. Whiteley:

Assembly Bill No. 7—An Act to amend section 1 of an act entitled "An Act to provide a fee bill for the office of Secretary of State," approved March 24, 1913, as amended March 22, 1921.

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

Mr. Jurich was granted leave to introduce a bill without previous notice.

By Mr. Jurich:

Assembly Bill No. 8—An Act to provide a method of ascertaining the number of cattle, sheep, and horses within the State for the purpose of taxation; defining the duties of the Nevada Tax Commission in relation thereto, and making an appropriation therefor.

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

Senate Bill No. 5—An Act to regulate vehicle traffic upon all the streets and highways in this State, and to prescribe penalties for the violation thereof.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Counties and County Boundaries.

#### GENERAL FILE AND THIRD READING

On motion of Mr. Whitesides, duly seconded and carried, Assembly Substitute for Senate Concurrent Resolution No. 1 was declared an emergency measure, and placed on top of file for third reading and final passage.

On motion of Mr. Love, duly seconded and carried, the Assembly went into Committee of the Whole.

#### HOUSE IN SESSION

Mr. Speaker in the chair.

On motion of Mr. Long, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present but Mrs. Millar, who was excused by Mr. Speaker.

#### MOTIONS AND RESOLUTIONS

Mr. Marsh nominated Mr. E. T. Patrick for the position of Bill Drafter.

Mr. Love nominated Mr. Baldy for the position of Bill Drafter.

Roll-call showed the following results:

For Mr. Patrick—Carpenter, Davison, Gosse, Hayes, Hays, James, Jurich, Keough, Marsh, Martin, Peterson, Robb, and Stites—13.

For Mr. Baldy—Addenbrooke, Garaventa, Geraghty, Heinrichs, Hussman, Kennedy, Long, Love, Nelson, Towle, Whiteley, Whitesides, and Yeager—13.

Not voting—Henderson, Houlahan, Laing, Meyers, Millar, Murphy, Patterson, Swanson, Tandy, Whitmore, and Mr. Speaker—11.

On motion of Mr. Jurich, duly seconded and carried, further consideration was postponed until Monday, January 22, 1923.

#### INTRODUCTION AND FIRST READING

Mr. Henderson was granted leave to introduce a bill without previous notice.

By Mr. Henderson:

Assembly Bill No. 9—An Act creating a commission to be known as the Colorado River Development Commission of Nevada, defining its powers and duties, and making an appropriation for the expense thereof.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Federal Relations.



## GENERAL FILE AND THIRD READING

Senate Bill No. 1—An Act to create a Legislative Fund—read third time.

Roll-call :

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Henderson, Henrichs, Hussman, James, Kennedy, Keough, Long, Love, Murphy, Nelson, Swanson, Tandy, Towle, Yeager, and Mr. Speaker—20.

NAYS—Davison, Hayes, Hays, Houlahan, Jurich, Laing, Marsh, Martin, Meyers, Patterson, Peterson, Robb, Stites, Whiteley, Whitesides, and Whitmore—16.

Absent—Millar.

Senate Bill No. 1, having received a constitutional majority, was declared passed.

Upon motion of Mr. Jurich, duly seconded and carried, the Assembly adjourned until 11 a. m., Monday, January 22, 1923.

Approved :

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest : J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

**THE EIGHTH DAY**

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CARSON CITY (Monday), January 22, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Houlahan, Keough, Laing, Patterson, Whiteley, Yeager and Miss Towle.

Absentees were excused by Mr. Speaker.

Invocation by Rev. Father Murphy.

On motion of Mr. Jurich, duly seconded and carried, the Journal was approved and the Chief Clerk instructed to make all necessary corrections.

**REPORTS OF COMMITTEES**

*Mr. Speaker:*

Your Committee on Military and Indian Affairs has had Assembly Bill No. 4 under consideration and begs leave to report favorably on the same, with the recommendation that it do pass.

HARRY SWANSON, *Chairman.*

**MOTIONS AND RESOLUTIONS**

On motion of Mrs. Millar, duly seconded and carried, Assembly Rule No. 58 was suspended for the remainder of the legislative day.

Mr. Addenbrooke was granted leave to introduce a resolution without previous notice.

By Mr. Addenbrooke:

Assembly Resolution No. 7:

*Resolved*, That this, the Thirty-first Assembly, appoint Miss Margaret Murdock temporary Committee Clerk for the Ways and Means Committee, in order to secure proper budget information.

Resolution adopted.

Mr. L. J. Blake of the Carson Appeal was assigned a seat at the press table by the Speaker.

Mrs. Hays gave notice that on some future legislative day she would offer an amendment to Rule 58.

**GENERAL FILE AND THIRD READING**

Senate Concurrent Resolution No. 1 was reported back from committee with a substitute, with the recommendation that the substitute be adopted.

On motion of Mr. Meyers, duly seconded and carried, Substitute for Senate Concurrent Resolution No. 1 was adopted, placed upon third reading and final passage, and passed by the following vote:

YEAS—Davison, Hayes, Hays, Henderson, Jurich, Kennedy, Long, Marsh, Martin, Meyers, Peterson, Robb, Stites, Swanson, Whitesides, and Whitmore—16.

NAYS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Henrichs, Hussman, James, Love, Millar, Murphy, Nelson, and Tandy—13.

Not voting—Mr. Speaker.

Absent—Houlahan, Keough, Laing, Patterson, Towle, Whiteley, and Yeager—7.

Assembly Bill No. 1—An Act to amend an Act entitled "An Act to prevent the obtaining of labor under false pretense, and prescribing a penalty therefor," approved March 27, 1913.

On motion of Mr. Henderson, duly seconded and carried, Assembly Bill No. 1 was referred to Committee on Judiciary.

Assembly Bill No. 3.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 3 was rereferred to Committee on Education.

Senate Joint Resolution No. 2.

On motion, duly seconded and carried, Senate Joint Resolution No. 2 was placed upon third reading and final passage and passed by the following vote:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Peterson, Robb, Stites, Swanson, Tandy, Whitesides, and Whitmore—27.

NAYS—Davison and Hayes—2.

Absent—Houlahan, Keough, Laing, Patterson, Towle, Whiteley, and Yeager—7.

Not voting—Mr. Speaker.

Assembly Concurrent Resolution No. 1.

Mr. Geraghty moved that Assembly Concurrent Resolution No. 1 be made a special order of business for Tuesday, January 25, at 11:30 a. m.

Motion lost.

On motion of Mr. Henderson, duly seconded and carried, Assembly Concurrent Resolution No. 1 was laid on the table.

#### UNFINISHED BUSINESS

The matter of the appointment of a Bill Drafter for the Assembly was taken up, and Mr. E. T. Patrick selected for the position by the following vote:

For Mr. Patrick—Carpenter, Davison, Gosse, Hayes, Hays, Henderson, James, Jurich, Marsh, Martin, Millar, Peterson, Robb, Stites, and Whitesides—15.

For Mr. Baldy—Addenbrooke, Garaventa, Geraghty, Henrichs, Hussman, Kennedy, Long, Love, Nelson, and Swanson—10.

Not voting—Meyers, Murphy, Tandy, Whitmore, and Mr. Speaker—5.

Absent—Houlahan, Keough, Laing, Patterson, Towle, Whiteley, and Yeager—7.

Hon. Charles L. Richards, Congressman-elect, addressed the Assembly.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.



## MOTIONS AND RESOLUTIONS

Mr. Whiteley moved, duly seconded and carried, to adjourn at 2:05 p. m. Tuesday, January 23, 1923, for the purpose of meeting with the Senate and having pictures of the joint body taken by the Curtis Studio of Reno.

Mr. Geraghty extended an invitation on behalf of Elks Lodge No. 597 of Reno to use the Elk's Home during this session of the Legislature.

The invitation was accepted with thanks.

## INTRODUCTION AND FIRST READING

Messrs. Laing, Henderson, Marsh, Houlahan, and Kennedy were granted leave to introduce bills without previous notice.

By Mr. Laing:

Assembly Bill No. 10—An Act to amend section 77 of an Act entitled "An Act concerning public schools and repealing certain Acts relating thereto," approved March 20, 1911, as amended March 24, 1917.

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

By Clark Delegation:

Assembly Joint Resolution No. 1, relative to approving Colorado River compact.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Federal Relations.

By Mr. Marsh:

Assembly Bill No. 11—An Act concerning declaratory judgments and decrees and matters pertaining thereto, and to make uniform the law relating thereto.

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

By Mr. Kennedy:

Assembly Bill No. 12—An Act providing under what conditions the services of the Attorney-General may be requested in the trial of criminal proceedings in the various counties of the State of Nevada, authorizing and directing the County Commissioners thereof to pay the traveling expenses, board and lodging of the Attorney-General in all such cases, and other matters properly connected therewith.

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

By Mr. Houlahan:

Assembly Bill No. 13—An Act concerning aeronautics and matters pertaining thereto, and to make uniform the law with reference thereto.

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

By Mr. Whiteley :

Assembly Bill No. 14—An Act concerning liability for participation in breaches of fiduciary obligations and matters pertaining thereto, and to make uniform the law with reference thereto.

On motion of Mr. Whiteley, 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.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copy of Assembly Bill No. 9 hereto attached is a correct copy of the triplicate thereof in its possession.

ALICE S. TOWLE, *Chairman.*

On motion of Mr. Jurich, duly seconded and carried, the Assembly adjourned until 11 a. m. Tuesday, January 23, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE NINTH DAY

CARSON CITY (Tuesday), January 23, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker pro tem in the chair.

Roll called.

All present except Mr. Speaker, who was excused.

Mr. Whiteley moved, duly seconded and carried, that the Journal be approved and the Chief Clerk authorized to make any necessary corrections.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Federal Relations has had Assembly Bill No. 9 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. S. HENDERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bills Nos. 2, 6, and 7 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

WALTER M. KENNEDY, *Chairman.*

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 7 and 8, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

### MOTIONS AND RESOLUTIONS

By Mrs. Hays:

Assembly Resolution No. 8:

*Resolved,* That Assembly Standing Rule No. 58 be suspended for the remainder of the Thirty-first Session of the Assembly.

On motion of Mrs. Hays, duly seconded and carried, the resolution was adopted.

By Mr. Long:

Assembly Resolution No. 9:

*Resolved,* That the members of the Assembly hereby express their deep concern on account of circumstances which has made our Speaker's mission to Salt Lake City necessary, and that he has our most hopeful wishes.

On motion of Mr. Whitesides, duly seconded and carried, the resolution was adopted, and the Clerk instructed to wire same to Speaker Lockhart at Salt Lake City.

Mr. Whiteley moved, duly seconded and carried, to excuse Mr. Lockhart's absence this legislative day and for the remainder of the week.

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Senate Concurrent Resolution No. 1 for correction.

VIVIAN RICKEY,  
*Assistant Secretary of the Senate.*



On motion of Mr. Whiteley, duly seconded and carried, Senate Concurrent Resolution No. 1 was laid on the table.

#### INTRODUCTION AND FIRST READING

Miss Towle, Messrs. Marsh, Tandy, Nelson, Hayes, and Jurich were granted leave to introduce bills without previous notice.

By Mr. Marsh:

Assembly Bill No. 15—An Act to amend section 121 of an Act entitled "An Act concerning crimes and punishments and repealing certain Acts relating thereto," approved March 17, 1911, effective January 1, 1912, being section 6386, Revised Laws of Nevada.

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

By Mr. Tandy:

Assembly Bill No. 16—An Act to continue the right and grant conferred under and by virtue of an Act entitled "An Act to supply the town of Austin with water," approved February 16, 1864, for twenty years from the 1st day of March, 1923.

On motion of Mr. Tandy, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Lander Delegation as a local measure.

By Miss Towle:

Assembly Bill No. 17—An Act relating to children born out of wedlock and matters pertaining thereto and to make uniform the law relating thereto.

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

By Mr. Nelson:

Assembly Bill No. 18—An Act to amend section 2 of an Act entitled "An Act in relation to County Treasurers," approved November 29, 1861, being section 1675 of Revised Laws of Nevada, 1912.

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

By Mr. Hayes:

Assembly Bill No. 19—An Act to amend section 289 of an Act entitled "An Act concerning crimes and punishments, and repealing certain Acts relating thereto," approved March 17, 1911.

On motion of Mr. Jurich, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

By Mr. Jurich:

Assembly Bill No. 20—An Act to amend an Act entitled "An Act to determine who shall perform the duties of Bailiff of the Supreme Court of the State of Nevada and fixing the compensation for his services and to repeal an Act entitled 'An Act to regulate the appointment and

compensation of Bailiff of the Supreme Court,' approved March 6, 1899," approved March 20, 1901.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 4 reported from the Committee on Military and Indian Affairs with the recommendation that it do pass.

Roll-call:

YEAS—Carpenter, Davison, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlihan, James, Jurich, Kennedy, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—Addenbrooke, Garaventa, Hussman, Keough, and Nelson—5.

Not voting—Henderson and Robb—2.

Absent—Mr. Speaker.

Assembly Bill No. 4, having received the constitutional majority, was declared passed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker pro tem in the chair.

Roll called.

All present but Mr. Speaker.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education has had Assembly Bill No. 3 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the following amendment:

Section 1, line 12, strike out that portion of said section beginning with the word "not" and ending with the word "appear" in line 14 of said section, and insert in lieu thereof the following words: "in a newspaper printed within the county, four successive weeks, the last publication of which shall have appeared."

GEORGE A. WHITELEY, *Chairman.*

#### INTRODUCTION AND FIRST READING

Messrs. Kennedy, Whitesides, Peterson and Nelson were granted leave to introduce bills without previous notice.

By Mr. Kennedy:

Assembly Bill No. 21—An Act to regulate proceedings on motions for new trials and on appeals.

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

By Mr. Whitesides:

Assembly Bill No. 22—An Act to amend sections 9 and 15 of chapter 11 of an Act entitled "An Act to incorporate the town of Elko, in Elko County, and defining the boundaries thereof, and to authorize the establishing of a city government therefor, and other matters relating

thereto," approved March 17, 1917, and adding section 9a of chapter 11 thereof.

On motion of Mr. Whitesides, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko Delegation.

By Mr. Peterson:

Assembly Bill No. 23—An Act relating to revenue and taxation, providing for a license tax upon all corporations organized under the laws of the State of Nevada, and all corporations having their articles of incorporation on file with the Secretary of State of the State of Nevada, and providing a penalty for the violation of the provisions of this Act.

On motion of Mr. Peterson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

By Mr. Nelson:

Assembly Bill No. 24—An Act to amend an Act entitled "An Act to provide for the appointment of guardians and to prescribe their duties," approved March 11, 1899, as amended by an Act approved February 28, 1913.

On motion of Mr. Nelson, 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.

On motion of Mr. Whitesides, duly seconded and carried, Assembly adjourned until Wednesday, January 24, 1923, at 11 a. m.

Approved:

A. S. HENDERSON,

*Speaker pro tem of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE TENTH DAY

CARSON CITY (Wednesday), January 24, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker pro tem in the chair.

Roll called.

All present except Mr. Jurich and Mr. Speaker, who were excused.

Invocation by Rev. Father Murphy.

On motion of Mr. Whiteley, duly seconded and carried, the Journal was approved and the Chief Clerk was instructed to make any necessary corrections.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Federal Relations has had Assembly Joint Resolution No. 1 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. S. HENDERSON, *Chairman.*

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 10, 11, 12, 13, 14 and Assembly Joint Resolution No. 1, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

### MOTIONS AND RESOLUTIONS

By Mr. Long :

Resolution No. 10 :

WHEREAS, An earnest effort is being made to complete the work of the Thirty-first Session of the Legislature in less than the customary sixty days; and

WHEREAS, As the business increases, the Assembly should not, through lack of proper clerical help, be hampered in its work; now, therefore, be it

*Resolved*, That the Speaker and Chief Clerk, jointly, be and they hereby are authorized to employ from time to time such temporary clerical help as in their judgment may be absolutely necessary to expedite the work.

On motion of Mr. Long, duly seconded, the resolution was adopted.

### INTRODUCTION AND FIRST READING

Messrs. Geraghty, Addenbrooke, Love, Hayes, Stites, and Patterson were granted leave to introduce bills without previous notice.

By Mr. Geraghty :

Assembly Bill No. 25—An Act to provide for an oil portrait of Emmet D. Boyle, ex-Governor of the State of Nevada.

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

By Mr. Addenbrooke :

Assembly Bill No. 26—An Act to amend sections 1 and 5 of an Act entitled "An Act relating to employment agencies, requiring a license for the conducting of such agencies and providing a penalty for the

failure to secure such license; prescribing rules and regulations for the conducting of employment agencies, and requiring a bond to insure a compliance with the same; making it the duty of the Labor Commissioner to enforce the provisions of this Act; fixing penalties for the violation of this Act, and other matters relating thereto," approved March 28, 1919.

On motion of Mr. Addenbrooke, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

By Mr. Love (by request):

Assembly Bill No. 27—An Act providing for the adoption, recording, rerecording, transfer, and use of brands and marks on horses, mules, asses, cattle, and hogs; defining the duties and powers of the State Board of Stock Commissioners in connection therewith; providing penalties for the violation thereof; and repealing certain Acts; and other matters properly related thereto.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

By Mr. Love (by request):

Assembly Bill No. 28—An Act repealing an Act to regulate the public service of stallions and jacks in Nevada, approved March 24, 1913.

On motion of Mr. Love, rules suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

By Mr. Love (by request):

Assembly Bill No. 29—An Act concerning estray live stock, excepting sheep and goats; defining the same and providing for their taking up and disposition; defining the powers of the State Board of Stock Commissioners in connection therewith; providing penalties for violations relating thereto; and repealing certain Acts; and other matters properly relating thereto.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

By Mr. Hayes:

Assembly Bill No. 30—An Act to repeal an Act entitled "An Act to provide for the creation, organization, and maintenance of the Nevada State Police, prescribing the powers and duties of the officers and members thereof in maintaining peace, order and quiet in the State of Nevada, fixing their compensation, providing certain penalties, and other matters relating thereto; making appropriation therefor, and repealing all Acts or parts of Acts in conflict therewith," approved January 29, 1908, being sections 4270-4293, Revised Laws of Nevada.

On motion of Mr. Hayes, 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.

By Mr. Stites:

Assembly Bill No. 31—An Act to amend section 8 of an Act entitled "An Act to provide a general highway law for the State of Nevada," approved March 23, 1917.

On motion of Mr. Stites, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

By Mr. Patterson (by request):

Assembly Bill No. 32—An Act for the relief of Andrew J. McDermott.

On motion of Mr. Patterson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 2.

Mr. Long offered the following amendment: Amend section 1 of Assembly Bill No. 2 by amending line 15, page 1, by striking out the word "one" and insert the word "two" in lieu thereof.

On motion of Mr. Long, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 2:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Jurich and Lockhart—2.

Not voting—Mr. Speaker.

Mr. Speaker announced that Assembly Bill No. 2, having received a constitutional majority, was passed.

Assembly Bill No. 3 reported back from the Committee on Education favorably, with the recommendation that it do pass, with the following amendment: Section 1, line 12, strike out that portion of said section beginning with the word "not" and ending with the word "appear," in line 14 of said section, and insert in lieu thereof the following words: "in a newspaper printed within the county four consecutive weeks, the last publication of which shall have appeared."

On motion of Miss Towle, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 3:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Kennedy, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Davison.

Absent—Jurich and Lockhart—2.

Not voting—Keough and Mr. Speaker—2.



Mr. Speaker announced that Assembly Bill No. 3, having received a constitutional majority, was passed.

Assembly Bill No. 6.

Roll-call on Assembly Bill No. 6:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Jurich and Lockhart—2.

Not voting—Tandy and Mr. Speaker—2.

Mr. Speaker announced that Assembly Bill No. 6, having received a constitutional majority, was passed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Speaker pro tem in the chair.

Roll called.

All present except Mr. Speaker.

#### MOTIONS AND RESOLUTIONS

Mr. Geraghty moved, duly seconded, that Assembly Concurrent Resolution No. 1 be taken from the table.

An amendment was offered by Mr. Whitesides, duly seconded and carried, that Assembly Resolution No. 1 be made special order of business for Thursday, January 25, 1923, at 2.30 p. m.

Mr. Whitesides gave notice that on the following day he would present a motion to amend Rule 68 of Assembly Standing Rules.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bill No. 24 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

WALTER M. KENNEDY, *Chairman.*

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Remarks by Mr. Whiteley.

Roll-call vote on Assembly Bill No. 7:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Lockhart.

Not voting—Mr. Speaker pro tem.

On motion of Mr. Geraghty, duly seconded and carried, Assembly Bill No. 9 was referred to Committee of the Whole.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly went into Committee of the Whole for the purpose of acting on any business that might come before it.

## HOUSE IN SESSION

Assembly called to order by Speaker pro tem.

## REPORT OF COMMITTEE OF THE WHOLE

*Mr. Speaker:*

Your Committee of the Whole has had Assembly Bill No. 9 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, as amended.

C. E. WHITESIDES, *Chairman.*

Assembly Bill No. 9.

The following amendment was proposed by Mr. Addenbrooke, duly seconded and carried: Amend section 2 of Assembly Bill No. 9 by adding on line 16, after the word "Nevada," the following: "but at no time shall there be more than three of said commissioners of the same political faith."

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 15, which this day passed the Senate by the following vote: Yeas, 16; nays, none; not voting, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

## INTRODUCTION AND FIRST READING

Senate Bill No. 15—An Act to establish Commissioner Districts in the county of Mineral and providing for the election therefrom of members of the Board of County Commissioners.

On motion of Mrs. Millar, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Mineral County Delegation.

Mr. Meyers was granted leave to introduce a bill without previous notice.

By Mr. Meyers:

Assembly Bill No. 33—An Act requiring fire drills in the schools of this State.

On motion of Mr. Meyers, 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.

On motion of Mr. Jurich, duly seconded and carried, Assembly adjourned until 11 a. m., January 25, 1923.

Approved:

A. S. HENDERSON,

*Speaker pro tem of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE ELEVENTH DAY

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CARSON CITY (Thursday), January 25, 1923.

Assembly called to order at 11 a. m.

The Speaker pro tem in the chair.

Roll called.

All present except Mr. Speaker.

Invocation by Rev. Father Murphy.

On motion of Mr. Whiteley, duly seconded and carried, the Journal was approved, and the Chief Clerk authorized to make any necessary corrections.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copy of Assembly Bill No. 22, as corrected, hereto attached, is a correct copy of the triplicate thereof in its possession.

Also, that bound copies of Assembly Bills Nos. 15, 16, 17, 18, 19, 20, 21, 23, and 24, hereto attached, are correct copies of the triplicates in its possession.

ALICE S. TOWLE, *Chairman.*

### INTRODUCTION AND FIRST READING

Mr. Love, Mrs. Hays, and Mr. James were granted leave to introduce bills without previous notice.

By Mr. Love:

Assembly Bill No. 34—An Act providing for damages and the collection thereof by owners of certain live stock and other domestic animals injured or killed by railroad engines and cars, requiring railroads to provide openings along their rights of way, requiring the giving of notice of animals killed or injured, providing penalties for violations, repealing Acts in conflict therewith, and other matters relating thereto.

On motion of Mr. Love, rules were suspended reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

By Mrs. Hays:

Assembly Bill No. 35—An Act to amend sections 12 and 13 of an Act entitled "An Act to provide for the payment of retirement salaries to public-school teachers of this State, and all matters properly connected therewith," approved March 23, 1915.

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

By Mr. Jurich:

Assembly Bill No. 36—An Act providing for the examination by the Nevada Tax Commission of all records concerning land subject to taxation, and making an appropriation therefor.



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

By Mr. James:

Assembly Bill No. 37—An Act to amend an act entitled "An Act creating Coroner Districts, making the Justices of the Peace ex officio Coroners, prescribing their duties and compensation, and repealing all Acts and parts of Acts in conflict with the provisions of this Act," approved March 15, 1909.

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

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 11, which passed the Senate January 24, 1923, by the following vote: Yeas, 17; nays, none.

Also, Senate Bill No. 19, which passed—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 11—An Act making it a gross misdemeanor for a husband or father to leave or desert his wife or minor child or children in danger of becoming a burden to the public; and other matters relating thereto.

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

Senate Bill No. 19—An Act to provide a penalty for failure to comply with any license law of the State.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 24.

The following amendment was offered by Mr. Jurich: Amend title of Assembly Bill No. 24 by inserting the words "section five of" between the words "amend" and "an" in the first line of the title.

On motion of Mr. Geraghty, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Bill No. 24, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Lockhart.

Not voting—Mr. Speaker pro tem.

Mr. Speaker pro tem announced that Assembly Bill No. 24, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 1.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker pro tem—36.

NAYS—None.

Absent—Lockhart.

On motion of Mr. Jurich, duly seconded and carried, the Assembly recessed until 2 p. m.

### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker pro tem in the chair.

Roll called.

All present except Mr. Speaker.

### COMMUNICATIONS

The following communication from Hon. J. M. Lockhart was read:

SALT LAKE CITY, UTAH, JANUARY 25, 1923.

J. H. CAUSTEN, *Chief Clerk, Carson City, Nevada:*

Heartfelt thanks for message. Operation yesterday morning seemingly complete success and speedy recovery assured. With you again Monday next.

J. M. LOCKHART.

The following communication from United States Senator Tasker L. Oddie was read:

WASHINGTON, D. C., JANUARY 25, 1923.

*Speaker of the Assembly, Carson City Nevada:*

Answering your wire yesterday, fully appreciate deep interest in welfare of our western country which prompted this resolution. I am already committed to Senator Poindexter, having called upon the President and endorsed him to succeed Secretary Fall. About two weeks ago the Reno Chamber of Commerce and others of importance and influence in the State urged me to do what I could in favor of Senator Poindexter, who will, I know, if he receives the appointment, work hard for our interests, for the reason that his heart is in the West and because he has the ability and courage necessary to secure for us what we need. I have nevertheless a high regard for ex-Governor Campbell and his ability, and know that, should he receive the appointment, he would render splendid service to the West.

TASKER L. ODDIE.

### MOTIONS AND RESOLUTIONS

By Mr. Whitesides:

Assembly Resolution No. 11:

*Resolved*, That Assembly Rule No. 68 be amended by adding the following paragraph:

A motion to lie on or take from the table shall be carried by a majority vote.

On motion of Mr. Whitesides, duly seconded, the amendment was adopted.



By Committee on Fish and Game:

Assembly Concurrent Resolution No. 2, authorizing the Fish and Game Committees of the Assembly and Senate, acting jointly, to receive all bills covering fish and game legislation without previous introduction, and further authorizing said Fish and Game Committees, acting jointly, to draft a suitable bill or bills to be introduced and recommended to the Assembly and Senate:

*Resolved by the Assembly, the Senate concurring.* That the Committees on Fish and Game of the Assembly and Senate acting jointly, be empowered to draft a bill or bills covering fish and game and other matters relating thereto, and that all bills and matters pertaining to fish, game, and trapping regulations be filed directly with the respective Committees on Fish and Game of the Assembly or Senate without previous introduction, and that such bills and matters be presented to the respective committees without delay.

On motion, duly seconded and carried, Assembly Concurrent Resolution No. 2 was adopted.

On motion of Mr. Geraghty, duly seconded and carried, the special order of business set for 2:30 p. m. Thursday, January 25, 1923, was vacated.

#### INTRODUCTION AND FIRST READING

Messrs. Houlahan and Long were granted leave to introduce bills without previous notice.

By Mr. Houlahan:

Assembly Bill No. 38—An Act to amend section 19 of an Act entitled "An Act creating the office of Inspector of Mines; fixing his duties and powers; providing for the appointment of a Deputy and fixing the compensation of both; requiring certain reports and notices of accidents to be made to said Inspector, and defining the duties of the Attorney-General and District Attorneys in relation to suits instituted by the Inspector of Mines," approved March 24, 1909, being section 4216, Revised Laws of Nevada.

On motion of Mr. Houlahan, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Mines and Mining.

By Committee on Roads and Highways.

Assembly Bill No. 39—An Act to provide a general highway law for the State of Nevada.

On motion of Mr. Long, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

On motion of Mr. Marsh, duly seconded and carried, the Assembly adjourned until Friday, January 26, 1923, at 11 a. m.

Approved:

A. S. HENDERSON,

*Speaker pro tem of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE TWELFTH DAY

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CARSON CITY (Friday), January 26, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker pro tem in the chair.

Roll called.

All present, except Mr. Speaker.

Invocation by Rev. Father Murphy.

On motion of Mr. Whiteley, duly seconded and carried, the Journal was approved, and the Chief Clerk authorized to make any necessary corrections.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means has had Assembly Bill No. 25 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

Your Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 25, 26, 27, 28, 29, 30, 31, 32 and 33, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Education has had Assembly Bill No. 10 under consideration and begs leave to report favorably on the same, with the recommendation that it do pass with the following amendments: Section 1, page 2, line 1, insert the words "district or" between the words "the" and "districts." Section 1, page 2, line 4, strike out the word "of" and insert in lieu thereof the words "living within."

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

Your Committee on Counties and County Boundaries has had Senate Bill No. 5 under consideration and begs leave to report favorably on the same, with the recommendation that it do pass with the following amendments: On page 1, line 3, strike out the words "street or" and add in lieu thereof the word "public." On page 1, line 8, after the words "any person" add "but in no case to exceed thirty-five miles per hour."

H. E. LOVE, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Concurrent Resolution No. 2, which was adopted by the Senate, by the following vote: Yeas, 17; nays, none.

Also, to return Assembly Bill No. 6, which was passed by the Senate: Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

### MOTIONS AND RESOLUTIONS

On motion of Mr. Marsh, duly seconded and carried, Senate Concurrent Resolution No. 2 was referred to Committee of the Whole.

## INTRODUCTION AND FIRST READING

Mr. Carpenter was granted leave to introduce a bill without previous notice.

By Mr. Carpenter (by request):

Assembly Bill No. 40—An Act to amend section 32 of an Act entitled "An Act to provide for the organization and government of drainage districts and to provide for the acquisition, repair, and development of canals, drains, ditches, watercourses and other property, and for the distribution of water thereby for drainage purposes, and to provide for the levying of taxes and for the issuing and sale of bonds thereof," approved March 31, 1913.

On motion of Mr. Carpenter, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Irrigation.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 10.

The Committee on Education offered the following amendment: Amend section 1, page 2, line 1, insert the words "district or" between the words "the" and "districts." Section 1, page 2, line 4, strike out the word "of" and insert in lieu thereof the words "living within."

On motion of Mr. Whiteley, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 10, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Lockhart.

Not voting—Love and Mr. Speaker pro tem—2.

Senate Bill No. 5—An Act to regulate vehicle traffic upon all the streets and highways in this State, and to prescribe penalties for the violation thereof.

The Committee on Counties and County Boundaries offered the following amendments: On page 1, line 3, strike the words "street or" and add in lieu thereof the word "public."

On motion of Mr. Marsh, duly seconded and carried, the amendment was adopted.

The Committee on Counties and County Boundaries offered the following amendment: On page 1, line 8, after the words "any person," add "but in no case to exceed thirty-five miles per hour."

Amendment lost.

Mr. Meyers offered the following amendment to title and moved its adoption: Amend title of Senate Bill No. 5 by inserting the word "public" instead of "the streets and."

Amendment adopted.

Mr. Martin offered the following amendment: Amend section 4 of Senate Bill No. 5 by striking out the words "not exceeding five" in line 20.

On motion of Mr. Jurich, duly seconded and carried, the amendment was adopted.

Mr. Whiteley offered the following amendment and moved its adoption: Amend section 1 of Senate Bill No. 5; on line 3 insert between the words "public" and "highway" the words "or other."

Amendment lost.

Roll-call on Senate Bill No. 5, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Lockhart.

Not voting—Mr. Speaker pro tem.

Mr. Jurich gave notice that he would move for a reconsideration of vote taken on Senate Bill No. 5.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 2 p. m.

### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker pro tem in the chair.

Roll called.

All present except Mr. Carpenter and Mr. Speaker, who were excused.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 34, 35, 36, 37 and 38, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Joint Resolution No. 1, which this day passed the Senate by the following vote: Yeas, 17; nays, none.

Vivian Rickey,

*Assistant Secretary of the Senate.*

### MOTIONS AND RESOLUTIONS

On motion of Mr. Marsh, duly seconded and carried, Assembly went into Committee of the Whole to take action on Senate Concurrent Resolution No. 2.

Assembly called to order by Mr. Speaker pro tem.

### REPORT OF COMMITTEE OF THE WHOLE

*Mr. Speaker:*

Your Committee of the Whole has had Senate Concurrent Resolution No. 2 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

C. E. Whitesides, *Chairman.*



On motion of Mr. Marsh, duly seconded and carried, Senate Concurrent Resolution No. 2 was adopted.

On motion of Mr. Jurich, duly seconded and carried, the Assembly adjourned until 11 a. m., Monday, January 29, 1923.

Approved:

A. S. HENDERSON,

*Speaker pro tem of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FIFTEENTH DAY

CARSON CITY (Monday), January 29, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker pro tem in the chair.

Roll called.

All present except Mr. Speaker.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, Journal was approved, and the Chief Clerk authorized to make any necessary corrections.

### MOTIONS AND RESOLUTIONS

On motion of Mr. Whiteley, duly seconded and carried, the absence of Mr. Lockhart was extended to include today.

Mr. Jurich was granted leave to introduce a resolution without previous notice.

By Mr. Jurich:

Assembly Joint Resolution No. 2:

WHEREAS, The State of Nevada has adopted a program of highway construction designed to afford interstate as well as intrastate communication, and has designated two connections with the State of Utah and six connections with the State of California; and

WHEREAS, The State of Utah has failed to provide a connection with Route 2 of the Nevada Highway System, commonly known as the Lincoln Highway, thereby depriving a large majority of the people of central and southern Nevada of the benefit of interstate communication and travel; and

WHEREAS, The Lincoln Highway Association has contributed the sum of \$125,000 toward road construction in western Utah and a like sum for construction in Nevada; and

WHEREAS, The refusal of the State of Utah to include the Lincoln Highway in western Utah as a part of its federal-aid highway system will result in a complete loss of the money so invested, and deny to the State of Nevada the benefit of communication with its natural sources of supply; and

WHEREAS, In April, 1922, the Governor of Nevada, the Department of Highways and over thirty Chambers of Commerce, Boards of County Commissioners and other civil and civic bodies joined in a request to the State of Utah that it include the Lincoln Highway in western Utah in its federal-aid highway system, and said request was ignored; therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring.* That the State of Utah is hereby requested to include in its federal-aid highway system that particular road in western Utah commonly known as the Lincoln Highway and connecting with Route 2 of the Nevada Highway System at or near Iapah, Utah, thereby providing for the people of southern and central Nevada the means of communication they require for their prosperity and welfare; and be it further

*Resolved.* That the Secretary of Agriculture be, and he is hereby, requested to take official notice of this request of the State of Nevada, and that certified copies of this resolution, bearing the Great Seal of the State of Nevada, be transmitted by the Governor of Nevada to the Governor of Utah and to the Secretary of Agriculture, immediately on the approval of this resolution.

On motion of Mr. Jurich, rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to White Pine Delegation.

Moved by Mr. Jurich, duly seconded and carried, to reconsider vote on Senate Bill No. 5.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 25.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 25 was referred to Committee of the Whole.

Senate Bill No. 5.

On motion of Mr. Jurich, duly seconded and carried, Senate Bill No. 5 was rereferred to Committee on Counties and County Boundaries.

On motion of Mr. Laing, duly seconded and carried, the Assembly went into Committee of the Whole, for the transaction of any business that may come before it.

Assembly called to order by Speaker pro tem.

#### REPORT OF COMMITTEE OF THE WHOLE

*Mr. Speaker:*

Your Committee of the Whole has had Assembly Bill No. 25 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, as amended.

A. G. MEYERS, *Chairman.*

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copy of Assembly Bill No. 40, hereto attached, is a correct copy of the triplicate thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 6 and Assembly Joint Resolution No. 1 with the engrossed copies, finds the same correctly enrolled, and has delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Education has had Assembly Bill No. 35 under consideration and begs leave to report favorably on the same, with the recommendation that it do pass.

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 19 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

MARTIN P. GERAGHTY, *Chairman.*



*Mr. Speaker:*

Your Committee on Live Stock has had Assembly Bills Nos. 27, 28, and 29 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

H. E. LOVE, *Chairman.*

On motion of Mr. Jurich, duly seconded and carried, Assembly adjourned at 2:15 p. m. until Tuesday, January 30, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE SIXTEENTH DAY

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CARSON CITY (Tuesday), January 30, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Geraghty.

On motion of Mr. Whiteley, duly seconded and carried, the Journal was approved, and the Chief Clerk instructed to make any necessary corrections.

### PRESENTATION OF PETITIONS

Communication read from Reno Chamber of Commerce endorsing a tax of 2 cents per gallon on gasoline to be used solely for maintenance and construction of highways in the counties in which the tax originated.

Resolution read from the Nevada State Farm Bureau requesting that provision be made for the publication of a catalogue by the State Library for the use of readers generally throughout the State.

### INTRODUCTION AND FIRST READING

Messrs. Davison and Laing were granted leave to introduce bills without previous notice.

By Mr. Davison :

Assembly Bill No. 41—An Act to amend section 1 of an Act entitled "An Act authorizing County Treasurers to place county funds in banks, on open account, under certain restrictions," approved March 12, 1885, being section 1687 of the Revised Laws of Nevada, 1912.

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

By Mr. Laing (by request) :

Assembly Bill No. 42—An Act creating a State Rabies Commission, and prescribing its membership and duties, and making an appropriation for the control and eradication of rabies and predatory and noxious animals within the State of Nevada in cooperation with the Bureau of Biological Survey of the United States Department of Agriculture, and repealing an Act entitled "An Act providing for the eradication of noxious animals in the State of Nevada; for the suppression of rabies; for cooperation between the State, the counties, and the Bureau of Biological Survey, United States Department of Agriculture, in the administration thereof; for the levy of taxes therefor; for the creation of state and county boards for the purpose, and defining their duties," approved March 21, 1921; and other matters relating thereto.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 19 read in full.

On motion of Mr. Whitesides, duly seconded and carried, Assembly Bill No. 19 was made a special order of business for Thursday, February 1, 1923, at 2:30 p. m.

Assembly Bill No. 27.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 27 was rereferred to Committee on Judiciary.

Assembly Bill No. 28.

Mr. Love offered the following amendment: Amend the title of Assembly Bill No. 28 to read as follows: An Act to amend an Act entitled "An Act to regulate the public service of stallions and jacks in Nevada," approved March 24, 1913.

Mr. Jurich moved that amendment as offered by Mr. Love be adopted.

Amendment adopted.

Roll-call on Assembly Bill No. 28, as amended.

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Geraghty.

Not voting—Mr. Speaker.

Assembly Bill No. 29.

Moved by Mr. Jurich that Assembly Bill No. 29 be referred to Committee on Judiciary.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m. and further discussion on motion and bill be resumed after roll-call.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Geraghty, who was excused for the day.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bill No. 18 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

WALTER M. KENNEDY, *Chairman.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 2 which passed the Senate by the following vote: Yeas, 15; nays, none; absent, 2.



Also, to return Assembly Bill No. 24, which passed the Senate—Yeas, 16; nays, none; absent, 1.

Also, to present for your consideration, Senate Bill No. 2 which passed the Senate—Yeas, 11; nays, 5; absent, 1.

Also, Senate Bill No. 3, which passed the Senate—Yeas, 11; nays, 5; absent, 1.

Also, to return Assembly Concurrent Resolution No. 2, which was adopted by the Senate, January 29, 1923.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Messrs. Martin and Whitmore were granted leave to introduce bills without previous notice.

By Clark County Delegation:

Assembly Bill No. 43—An Act to amend certain sections of an Act entitled “An Act to incorporate the town of Las Vegas, in Clark County, and defining the boundaries thereof, and to authorize the establishment of a city government therefor, and other matters relating thereto,” approved March 16, 1911, as amended March 22, 1913, and further amended February 17, 1921.

On motion of Mr. Martin, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Clark County Delegation.

By Mr. Whitmore:

Assembly Bill No. 44—An Act to amend section 1 of an Act entitled “An Act fixing the salaries and compensation of the officers of Eureka County, and repealing all Acts or parts of Acts in conflict with this Act,” approved February 13, 1915.

On motion of Mr. Whitmore, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Eureka County Delegation.

Senate Bill No. 2—An Act to repeal an Act entitled “An Act to prohibit the manufacture, sale, keeping for sale, and gift of malt, vinous and spirituous liquors, and other intoxicating drinks, mixtures or preparations, making the Superintendent of the Nevada State Police ex officio commissioner of prohibition, and defining his duties; and providing for the enforcement of this Act, and prescribing penalties for the violation thereof,” enacted pursuant to direct vote of the people, General Election, November 5, 1918.

On motion of Mr. Jurich, 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 Bill No. 3—An Act to repeal an Act entitled “An Act prohibiting the sale, furnishing, giving away, or having in possession of any intoxicating drinks; defining the same; making the Superintendent of the Nevada State Police ex officio commissioner of prohibition, and defining his duties; prescribing penalties for the violation of this Act and providing for the enforcement of the same,” approved April 1, 1919.

On motion of Mr. Jurich, 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.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 35 was rereferred to Committee on Education.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 26, which this day passed the Senate by the following vote: Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 27, which this day passed the Senate—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 30, which this day passed the Senate—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 26—An Act to authorize, empower and direct the City Council of the City of Winnemucca, State of Nevada, to issue bonds for the purpose of creating a fund to be used for the repair, maintenance and construction of streets and highways within the city limits of said city; to levy a tax for the payment of interest thereon and the redemption thereof; and other matters relating thereto.

On motion of Mr. Stites, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Humboldt County Delegation.

Senate Bill No. 27—An Act authorizing and empowering the City Council of the City of Winnemucca, Nevada, to transfer funds from the "Winnemucca Sewer Construction Fund" to the "Streets and Highways Fund" of the said City of Winnemucca, and other matters connected therewith.

On motion of Mr. Stites, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Humboldt County Delegation.

Senate Bill No. 30—An Act to repeal section 6 of an Act entitled "An Act providing for the issuance of licenses to hoisting engineers; providing a fee for such licenses; creating district boards of examiners; providing for revocation of licenses; creating the Hoisting Engineers' License Fund in the State Treasury; making a temporary appropriation for carrying out the purpose of this Act, and providing a penalty for violation of any of the provisions hereof," approved March 22, 1921.

On motion of Mr. Jurich, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Mines and Mining.

On motion of Mr. Jurich, duly seconded and carried, the Assembly adjourned until 11 a. m., Wednesday, January 31, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE SEVENTEENTH DAY

CARSON CITY (Wednesday), January 31, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Addenbrooke and Geraghty, who were excused.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Swanson, duly seconded and carried, further reading of the Journal was dispensed with and the Chief Clerk was authorized to make any necessary corrections, and Journal thereupon approved.

### MESSAGES FROM STATE OFFICERS

*To the Honorable the Assembly:*

I have the honor to submit to your honorable body for consideration, Assembly Joint Resolution No. 17, which was passed by the Thirtieth Session of the Legislature of Nevada.

W. G. GREATHOUSE, *Secretary of State.*

### MOTIONS AND RESOLUTIONS

Assembly Joint Resolution No. 17 of the Thirtieth Session, relative to amending section 8, article 8 of the Constitution of the State of Nevada, introduced by Mr. Heward, March 7, 1921:

*Resolved by the Assembly, the Senate concurring.* That section 8 of article 8 of the Constitution of the State of Nevada be amended so as to read as follows:

SECTION 8. The Legislature shall provide for the organization of cities and towns by general laws and shall restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, except for procuring supplies of water; *provided, however,* that the Legislature may, by general laws, in the manner and to the extent therein provided, permit and authorize the electors of any city or town to frame, adopt and amend a charter for its own government or to amend any existing charter of such city or town.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

By Messrs. Keough and Marsh:

Assembly Joint Resolution No. 3—Joint Resolution of the Assembly and Senate of the Legislature of the State of Nevada, asking the abolition of the Toiyabe National Forest.

On motion of Mr. Marsh, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title and referred to Committee on Live Stock.

### INTRODUCTION AND FIRST READING

Messrs. Meyers, Whitesides, Marsh, Swanson, Davison, and Robb were granted leave to introduce bills without previous notice.



By Mr. Meyers:

Assembly Bill No. 45—An Act authorizing the Board of Capitol Commissioners to make improvements and additions to the state water system.

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

By Mr. Whitesides:

Assembly Bill No. 46—An Act to provide dental services for the inmates of the charitable and penal institutions of the State of Nevada.

On motion of Mr. Whitesides, 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 Messrs. Marsh and Martin:

Assembly Bill No. 47—An Act abolishing County Assessors in Nevada; charging the Nevada Tax Commission with further duties in this respect; making provisions therefor; supplementing the law relating to revenue, and repealing certain Acts.

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

By Mr. Swanson:

Assembly Bill No. 48—An Act to amend section 4 of an Act entitled "An Act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or any other agent of any such employer to violate the provisions of this Act," approved February 14, 1917.

On motion of Mr. Swanson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

By Mr. Davison:

Assembly Bill No. 49—An Act providing for the protection and assistance of aged persons under certain conditions in the State of Nevada; and prescribing penalties for violation of the provisions hereof, and making an appropriation for the carrying out of its provisions.

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

By Mr. Robb :

Assembly Bill No. 50—An Act to repeal an Act entitled "An Act relating to officers, their qualifications, times of election, terms of office, official duties, resignations, removals, vacancies in office and the mode of supplying the same, misconduct in office and to enforce official duty," approved March 9, 1866, being section 2781, Revised Laws of Nevada, approved March 7, 1921.

On motion of Mr. Robb, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 7, which passed the Senate, as amended, by the following vote: Yeas, 15; nays, 1; absent, 1.

Senate Bill No. 7 was amended by adding a new section to be known as Section 9:

SECTION 9. This Act shall not apply to camps where five or more persons are employed in the care of live stock or in agricultural pursuits, but the State Board of Health shall have power to adopt reasonable rules and regulations for the sanitation of such camps.

Also, to present for your consideration Senate Bill No. 9, which passed the Senate, as amended in reprinted bill—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY.

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 7—An Act regulating the sanitation and ventilation in and at camps where five or more persons are employed, and providing a penalty for the violation thereof.

On motion of Mr. Davison, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

Senate Bill No. 9—An Act defining certain duties of the Attorney-General, and matters relating thereto.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Mr. Jurich moved to make Assembly Bill No. 18 a special order of business for February 7, 1923, at 2 p. m.

Remarks by Messrs. Jurich, Nelson, Henderson, Kennedy, Long, and Love.

On motion of Mr. Henderson, duly seconded and carried, the motion of Mr. Jurich was amended, and Assembly Bill No. 18 made special order of business for Friday, February 2, 1923, at 2:30 p. m.

Assembly Bill No. 32.

On motion of Mr. Jurich, duly seconded and carried, the Assembly



recessed until 2 p. m., at which time Assembly Bill No. 32 would be taken up for further consideration.

### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Addenbrooke and Geraghty, who were excused.

Assembly Bill No. 32 was then taken up for further consideration and, on motion of Mr. Patterson, duly seconded and carried, was rereferred to Elko County Delegation for further consideration.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bill No. 39 and Joint Resolution No. 2, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman.*

*Mr. Speaker:*

The Mineral County Delegation has had Senate Bill No. 15 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the amendment herewith submitted.

Rita D. Millar, *Chairman.*

*Mr. Speaker:*

Your Committee on Public Morals has had Senate Bills Nos. 2 and 3 under consideration, and begs leave to report the same without recommendation.

Roy W. Martin, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 24, 7, 2, and Assembly Concurrent Resolution No. 1, with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

Webster Patterson, *Chairman.*

*Mr. Speaker:*

The Lander County Delegation has had Assembly Bill No. 16 under consideration, and begs leave to report favorably on the same, with the recommendation that the attached amendment be made thereto, and when said bill is so amended, the bill so amended be adopted.

Doug H. Tandy, *Chairman.*

*Mr. Speaker:*

The Humboldt County Delegation has had Senate Bill No. 27 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

E. P. Stites, *Chairman.*

On motion of Mr. Whiteley, duly seconded and carried, Assembly adjourned at 2:10 p. m. until Thursday, February 1, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 1, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk was authorized to make any necessary corrections, and Journal thereupon approved.

### PRESENTATION OF PETITIONS

The following communication from the American Civil Liberties Union was read by the Chief Clerk:

*Mr. Speaker:*

Your State is one of a number which has upon its statute books a criminal syndicalism law, the object of which is to punish persons who advocate certain prohibited doctrines. The law is aimed at utterances alone, and was passed in order to jail certain types of radicals against whom there was considerable popular feeling at the time.

In our judgment, such laws violate the American tradition of free speech. That tradition has always drawn the distinction between word and deed, and has never regarded words in themselves as proper objects of punishment. We are interested to see these laws repealed in their entirety. In our judgment, no good purpose can be served by their enforcement. That has been amply demonstrated by the fact that in very few States has there been any effort to enforce them. Such an effort would only drive underground into secret conspiratorial channels the advocates of these radical doctrines, who now speak more or less openly without attracting either many followers or much attention.

We respectfully call your attention to this legislation and ask that the attention of the Legislature be directed to the law by incorporating this communication in your proceedings.

We regard this legislation as a matter of national concern, and therefore take the liberty of addressing you upon it.

AMERICAN CIVIL LIBERTIES UNION.

By HARRY F. WARD, *Chairman*.

A communication from the Carson Social Club, inviting members and attachés of the Assembly to a dance to be given this evening, was read by the Chief Clerk, and ordered filed.

### MOTIONS AND RESOLUTIONS

On motion of Mr. Whiteley, duly seconded and carried, Mrs. Livingston was given permission to address the Assembly at 2:30 p. m. Thursday, February 1, 1923.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assem-

bly Bills Nos. 41, 42, and 44, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman*.

*Mr. Speaker:*

Your Committee on Irrigation has had Assembly Bill No. 40 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Geo. G. Hussman, *Chairman*.

*Mr. Speaker:*

Your Committee on Education has had Assembly Bill No. 33 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with amendments herewith submitted.

Also, Assembly Bill No. 35, and reports favorably on the same, with the recommendation that it do pass with the attached amendments.

Geo. A. Whiteley, *Chairman*.

*Mr. Speaker:*

The Elko County Delegation has had Assembly Bill No. 32 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the amendment submitted herewith.

Webster Patterson, *Chairman*.

*Mr. Speaker:*

The White Pine County Delegation has had Assembly Joint Resolution No. 2 under consideration, and begs leave to report favorably on the same with the recommendation that it do pass.

George A. Whiteley, *Chairman*.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 3 which passed the Senate by the following vote: Yeas, 16; nays, none; absent, 1.

Also, to present for your consideration Senate Bill No. 31, which passed the Senate—Yeas, 16; nays, none; absent, 1.

Vivian Rickey,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Messrs. Laing and Meyers and Mrs. Millar were granted leave to introduce bills without previous notice.

By Elko County Delegation:

Assembly Bill No. 51—An Act to amend section five of an Act entitled "An Act to amend certain sections of an Act entitled 'An Act fixing the compensation of the county officers of Elko County, Nevada, and repealing all Acts and parts of Acts in conflict herewith,' approved March 23, 1917," as amended March 29, 1919.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

By Mr. Meyers:

Assembly Bill No. 52—An Act to amend an Act entitled "An Act to regulate proceedings in criminal cases in this State and to repeal all other Acts in relation thereto," approved March 17, 1911, effective January 1, 1912, and all Acts amendatory thereof and supplementary thereto.



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

By Mr. Meyers:

Assembly Bill No. 53—An Act to repeal section 411 of an Act entitled "An Act to regulate proceedings in criminal cases in this State and to repeal all other Acts in relation thereto," approved March 17, 1911, effective January 1, 1912, being section 7261, Revised Laws of Nevada.

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

By Mr. Meyers:

Assembly Bill No. 54—An Act to repeal an Act entitled "An Act to establish a Board of Parole Commissioners for the parole of and government of parole prisoners," approved March 11, 1909, being sections 7631 to 7634, Revised Laws of Nevada.

On motion of Mr. Meyers, 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 Mrs. Millar:

Assembly Bill No. 55—An Act to amend an Act entitled "An Act to create a Board of County Commissioners in the several counties of this State and to define their powers and duties," approved March 8, 1865, as amended Stats. 1909, 217, and further amended Stats. 1913, 22; Stats. 1915, 74; Stats. 1917, 1; and Stats. 1921, 94.

On motion of Mrs. Millar, 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 Elko County Delegation:

Assembly Bill No. 56—An Act to repeal an Act entitled "An Act to authorize the District Attorney of Elko County, Nevada, to employ an office stenographer, fixing the compensation of said stenographer, and providing for the payment of the same," approved February 5, 1921.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

Senate Bill No. 31—An Act to regulate the use, supply and possession of narcotic drugs in the State of Nevada, and to provide penalties for the violation thereof.

On motion of Mr. Swanson, 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.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 2.

Mr. Addenbrooke moved, duly seconded, that Senate Bills No. 2



and 3 be made a special order of business for Wednesday, February 7, 1923, at 2:30 p. m.

Roll-call on motion demanded by Messrs. Love, Whiteley, and Marsh.

Roll-call:

YEAS—Addenbrooke, Geraghty, Gosse, Henderson, Houlahan, Hussman, Kennedy, Laing, Swanson, Towle, Whiteley, and Whitmore—12.

NAYS—Carpenter, Davison, Garaventa, Hayes, Hays, Henrichs, James, Jurich, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Tandy, Whitesides, and Yeager—24.

Not voting—Mr. Speaker.

Mr. Speaker declared motion lost.

Mr. Swanson moved, duly seconded, that recess be taken until 2 p. m.

Roll-call demanded by Messrs. Peterson, Love, and Jurich.

Roll-call:

YEAS—Addenbrooke, Gosse, Houlahan, James, Kennedy, Laing, Swanson, Towle, Whiteley, and Whitmore—10.

NAYS—Carpenter, Davison, Garaventa, Geraghty, Hayes, Hays, Henderson, Henrichs, Hussman, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Tandy, Whitesides, and Yeager—26.

Not voting—Mr. Speaker.

Mr. Speaker declared motion lost.

Roll-call on Senate Bill No. 2:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Whitesides, and Yeager—27.

NAYS—Addenbrooke, Henderson, Houlahan, Laing, Millar, Tandy, Towle, Whiteley, and Whitmore—9.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 2, having received the constitutional majority, was passed.

Senate Bill No. 3.

Roll-call:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Whitesides, and Yeager—27.

NAYS—Addenbrooke, Henderson, Houlahan, Laing, Millar, Tandy, Towle, Whiteley, and Whitmore—9.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 3, having received the constitutional majority, was passed.

On motion of Mr. Jurich, duly seconded and carried, the Assembly recessed until 2:30 p. m.

## HOUSE IN SESSION

At 2:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

## SPECIAL ORDER

Assembly Bill No. 19.

The following amendment was offered by Mr. Kennedy: Amend section 1 of Assembly Bill No. 19 by striking out the words "and provided" in line 17, on page 2, and all of lines 18 and 19 on page 2.

On motion of Mr. Kennedy, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Bill No. 19, as amended:

YEAS—Davison, Geraghty, Hayes, Hays, Henderson, Houlahan, James, Jurich, Kennedy, Keough, Marsh, Martin, Millar, Peterson, Robb, Stites, Tandy, and Whitmore—18.

NAYS—Addenbrooke, Carpenter, Gosse, Henrichs, Hussman, Laing, Long, Love, Meyers, Murphy, Nelson, Patterson, Swanson, Towle, Whiteley, Whitesides, and Yeager—17.

Not voting—Garaventa and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 19, having failed to receive a constitutional majority, was lost.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Corporations and Railroads has had Assembly Bill No. 23 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass after adoption of the attached amendment.

E. E. MURPHY, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Concurrent Resolution No. 3, which was adopted, as amended, by the Senate, January 31, 1923.

Also, Senate Bill No. 22, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Concurrent Resolution No. 4, which was this day adopted unanimously by the Senate.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

## MOTIONS AND RESOLUTIONS

Senate Concurrent Resolution No. 3, relative to the appointing of a committee to investigate and make a survey of the Judicial Districts of the State of Nevada:

WHEREAS, In the interest of economy it is deemed expedient to curtail expenses in the operation and functioning of every department of the State; and

WHEREAS, This State is now divided into ten judicial districts and presided over by eleven District Judges, and in some districts Judges are thereby assigned to communities embracing a population of less than twenty-five hundred people; now, therefore, be it

*Resolved*, That a committee of three be appointed by the joint action of the President of the Senate and Speaker of the Assembly; said committee to consist of not more than two members of the same political faith, to investigate and make a survey of the requirements of the several judicial districts of the State of Nevada, with the view of reducing or abolishing the number of said judicial districts in this State; said committee to be appointed upon the adoption of this resolution and to make said survey and investigation and report its findings to the legislative session of 1925.



On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, concurrent resolution read second time by title, and referred to Committee on Judiciary.

Senate Concurrent Resolution No. 4:

WHEREAS, Since the last session of the Legislature of the State of Nevada, the late Arthur W. Keddie met his death as the result of a fall in an aeroplane at Elko, Nevada; and

WHEREAS, Mr. Keddie was a most highly honored and esteemed member of the Senate in the Twenty-eighth and Twenty-ninth Sessions of the Legislature of the State of Nevada; and

WHEREAS, In the death of Mr. Keddie, just when he had arrived at the noonday of life, the State has suffered the loss of one of its most honored, most useful, and most enterprising citizens; and

WHEREAS, The members of the Thirty-first Session of the Nevada Legislature desire to express their sincere sorrow for his sad and untimely death; therefore, be it

*Resolved*, That when this Senate and Assembly recess on the afternoon of Friday, February 2, they do so in honor of the memory of the late Arthur W. Keddie; and be it further

*Resolved*, That a copy of these resolutions be spread upon the journals of the Senate and Assembly; that a copy be transmitted to the relatives of the deceased, and that a copy be sent to the Nevada Historical Society.

On motion of Miss Towle, duly seconded and carried, Senate Concurrent Resolution No. 4 was adopted.

By Mr. Meyers:

Assembly Joint Resolution No. 5:

WHEREAS, We, the people of this Nation, adopted the Eighteenth Amendment to the Constitution of the United States, which amendment is directed against the sale of intoxicating liquors for beverage purposes; and

WHEREAS, The people of the State of Nevada, prior to the enactment of the said amendment and prior to the passage of what is known as the Volstead Act, passed an Act prohibiting the sale of intoxicating liquors in this State for beverage or any other purposes; and

WHEREAS, The people of this State found that the law as enacted by the people of Nevada prevented them from legally acquiring necessary medicines and liquors needed, required and frequently prescribed by physicians attending our sick; and

WHEREAS, The people of Nevada, by reason of such conditions, were generally opposed to the law as existing in this State, and this Legislature has passed an Act repealing the said Act; and

WHEREAS, We are convinced that certain liquors used for medicinal and kindred purposes are for the well-being, health, and happiness of our people as a Nation; now, therefore, be it

*Resolved*, That this Legislature request that the Congress of the United States enact such laws as will enable the people of this country to secure from government sources the needed and required liquors as are necessary for medicinal purposes without the necessity and expense of physician's certificates; and to further enact such laws as will allow the use of lighter beverages, usually termed light wines and beers, under governmental sale and distribution; and be it further

*Resolved*, That we favor the vigorous enforcement of all laws by federal, state, and local officials, and that state laws on the prohibition question should harmonize with federal regulations so far as practical; and be it further

*Resolved*, That a copy of this resolution be sent to our representatives in Congress by the Secretary of State.

On motion of Mr. Meyers, rules were suspended, reading so far had



considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Public Morals.

#### INTRODUCTION AND FIRST READING

Mr. Henderson was granted leave to introduce a bill without previous notice.

By Mr. Henderson:

Assembly Bill No. 57—An Act to amend section 427 of an Act entitled "An Act to regulate proceedings in civil cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911, being section 5367, Revised Laws of Nevada.

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

Senate Bill No. 22—An Act to transfer certain moneys from the "Carlin Town Bond Sinking and Interest Fund" to the town government fund of the town of Carlin, in Elko County, Nevada.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 15.

On motion of Mrs. Millar, duly seconded and carried, amendment to section 1, offered by Mrs. Millar, as previously recorded, was adopted.

Roll-call on Senate Bill No. 15 as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Senate Bill No. 15, having received a constitutional majority, was passed.

Senate Bill No. 26.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

NAYS—None.

Not voting—Mr. Speaker.

Senate Bill No. 26, having received a constitutional majority, was declared passed.

Senate Bill No. 27.

Remarks by Mr. Stites.

Roll-call on Senate Bill No. 27:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

NAYS—None.

Not voting—Mr. Speaker.

Assembly Bill No. 16.

On motion of Mr. Tandy, duly seconded and carried, amendment offered by Mr. Tandy, as previously recorded, was adopted.

Roll-call on Assembly Bill No. 16, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Not voting—Kennedy and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 16, having received a constitutional majority, was passed.

On motion of Mr. Long, duly seconded and carried, Assembly adjourned until 11 a. m., February 2, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE NINETEENTH DAY

CARSON CITY (Friday), February 2, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. James, who was excused.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk was authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 3 with the engrossed copy, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 43, 45, 46, 47, 48, 50, and Joint Resolution No. 3, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Counties and County Boundaries has had Senate Bill No. 5 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the amendments herewith submitted.

H. E. LOVE, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bill No. 15 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 12, and reports same favorably, with the recommendation that it do pass with the amendments herewith submitted.

Also, Assembly Bill No. 20, and reports favorably on the same, with the recommendation that it do pass with the attached amendment.

WALTER M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 26 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

MARTIN P. GERAGHTY, *Chairman.*

*Mr. Speaker:*

Your Committee on Military and Indian Affairs has had Assembly Bill No. 30 under consideration, and begs leave to report unfavorably on the same, with the recommendation that it do not pass, for the reason that the Legislature has no power to repeal an Act which was voted upon by the people on referendum, as provided in section 2, article 19, of the Constitution of Nevada.

HARRY SWANSON, *Chairman.*

### MESSAGES FROM THE GOVERNOR

*To the Honorable the Assembly:*

In conformity with the provision of chapter 45, Statutes of 1919, I have



the honor to submit the Executive Budget of State Expenditures for the years 1921, 1922, 1923 and 1924, together with a plan of state finance for this biennium.

This document lays before you a detailed analysis of the business transactions of the State.

Respectfully yours, J. G. SCRUGHAM, Governor.

On motion of Mr. Long, duly seconded and carried, the Governor's communication, with the budget, was referred to Committee on Ways and Means.

#### MOTIONS AND RESOLUTIONS

By Mr. Keough :

Assembly Concurrent Resolution No. 3 :

WHEREAS, It is understood that a number of bills are to be introduced concerning prohibition; and

WHEREAS, It is advisable from the standpoint of economy that numerous bills concerning the same subject-matter, should not be printed; therefore, be it Resolved by the Assembly, the Senate concurring, That all proposed bills pertaining to prohibition be delivered to the Committee on Public Morals of the Assembly and the Committee on Education, State Library and Public Morals of the Senate, which committees shall then prepare one bill concerning prohibition, for printing purposes.

Mr. Keough moved, duly seconded, to adopt Assembly Concurrent Resolution No. 3.

Remarks by Messrs. Whiteley, Jurich, Long, Stites, Swanson, Tandy, and Kennedy.

Mr. Tandy moved, duly seconded, that Assembly Concurrent Resolution No. 3 be referred to Committee on Judiciary.

Motion lost.

Roll called on Assembly Concurrent Resolution No. 3.

Mr. Speaker declared Assembly Concurrent Resolution No. 3 lost.

By Mr. Swanson :

Assembly Concurrent Resolution No. 4, relative to adoption of a joint rule by the Assembly and Senate requiring a statement covering the objects to be attained by any bill to be filed by the introducer thereof with the chairman of the committee to which such bill is referred :

WHEREAS, It is in the interest of economy and expedition of business to eliminate unnecessary confusion and argument in committees by having an explanation of the objects to be attained by any bill filed by the introducer thereof with the chairman of the committee to which the bill is referred; and

WHEREAS, It is expedient that some such rule be adopted; therefore, be it Resolved by the Assembly, the Senate concurring, That the following be adopted as a standing joint rule:

Any member of either the Senate or Assembly, upon introduction of a bill or resolution, and upon its reference to a standing or select committee, shall file with the chairman of such committee a complete statement covering the object to be accomplished thereby and such information as will be useful to the committee in deciding whether the bill or resolution shall be reported out favorably. In all cases such statement shall accompany the bill or resolution and thus be available for the information of the committee to which such bill or resolution shall be referred in the opposite house. This rule shall not abridge the right of the introducer of a bill or resolution to appear personally before any committee on behalf of his bill.

Mr. Swanson moved, duly seconded, to adopt Assembly Concurrent Resolution No. 4.

Resolution lost.

On motion of Mr. Nelson, duly seconded and carried, Assembly Bill No. 18 made special order of business for 2:30 p. m., and was placed at top of file for immediate action.

## INTRODUCTION AND FIRST READING

Mr. Geraghty, Miss Gosse, Messrs. Garaventa, Whiteley, Stites, and Addenbrooke were granted leave to introduce bills without previous notice.

By Mr. Geraghty:

Assembly Bill No. 58—An Act to amend section two of an Act entitled "An Act regulating automobiles or motor vehicles in public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof, and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended and in what manner; to provide for the registration and issuing of number plates for vehicles; and repealing an Act entitled 'An Act to amend certain sections of an Act entitled "An Act regulating automobiles or motor vehicles on public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended, and in what manner, and repealing an Act of the same title approved March 24, 1913," approved March 24, 1915,' approved March 24, 1917, and repealing a certain section of a certain Act," approved March 25, 1921.

On motion of Mr. Geraghty, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

By Miss Gosse:

Assembly Bill No. 59—An Act relieving persons from liability for receipt of magazines, periodicals and other publications when not actually subscribed for.

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

By Mr. Garaventa:

Assembly Bill No. 60—An Act to amend section one of an Act entitled "An Act relating to marriage and divorce," approved November 28, 1861.

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

By Mr. Stites:

Assembly Bill No. 61—An Act to amend section 2 of an Act entitled "An Act authorizing and empowering the Boards of County Commissioners of the several counties of this State to exploit and promote the agricultural, mining, and other resources, progress, and advantages of their respective counties; providing ways and means for this pur-



pose, and repealing all Acts and parts of Acts in conflict therewith," approved March 1, 1915 (appearing on page 2702 of Revised Laws of Nevada, 1919).

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

By Mr. Stites:

Assembly Bill No. 62—An Act to amend section 15 of an Act entitled "An Act regulating automobiles or motor vehicles in public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof, and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended and in what manner; to provide for the registration and issuing of number plates for vehicles; and repealing an Act entitled 'An Act to amend certain sections of an Act entitled "An Act regulating automobiles or motor vehicles on public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended, and in what manner, and repealing an Act of the same title approved March 24, 1913," approved March 24, 1915,' approved March 24, 1917, and repealing a certain section of a certain Act," approved March 25, 1921.

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

By Mr. Stites:

Assembly Bill No. 63—An Act to amend sections 5 and 7 of an Act entitled "An Act fixing the salaries of certain officers of Humboldt County, and repealing certain Acts in relation thereto," approved March 11, 1921.

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

By Mr. Whiteley:

Assembly Bill No. 64—An Act to make the provisions of the National Prohibition Act of the United States of America the law of the State of Nevada; and to repeal an Act entitled "An Act to prohibit the manufacture, sale, keeping for sale, and gift, of malt, vinous and spirituous liquors, and other intoxicating drinks, mixtures or preparations, making the Superintendent of the Nevada State Police ex officio Commissioner of Prohibition, and defining his duties; and providing for the enforcement of this Act, and prescribing penalties for the violation thereof," enacted pursuant to direct vote of the people, General Election, November 5, 1918, and an Act entitled "An Act prohibiting the sale, furnishing, giving away, or having in possession of any intoxicating drinks; defining the same; making the superintendent of the Nevada State Police ex officio Commissioner of Prohibi-



tion and defining his duties; prescribing penalties for the violation of this Act and providing for the enforcement of the same," approved April 1, 1919; and to repeal all Acts in conflict herewith; and other matters connected therewith.

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

By Mr. Addenbrooke :

Assembly Bill No. 65—An Act prohibiting the possession of malt or spirituous liquors containing metallic or poisonous substances and providing the punishment thereof.

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

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 44, which this day passed the Senate by the following vote: Yeas, 17; nays, none.

VIVIAN RICKEY,  
*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 44—An Act to amend section 8 of an Act entitled "An Act concerning juries," approved March 5, 1873.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Jurich.

Absent—James (excused).

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 18, having received a constitutional majority, was passed.

Assembly Bill No. 23.

The following amendment was offered by the Committee on Corporations and Railroads:

On page 2, line 26 of the bill, after the numeral "3" insert the following: "The Secretary of State shall give at least thirty days written notice by mail, in the manner provided below, to the president or secretary of all corporations of the date when the annual tax herein provided for will be due and at least thirty days prior to striking the

name of any corporation from the records of his office, as herein further provided, he shall give written notice by mail to the president or secretary of such corporation, by posting such notice in the postoffice with the postage thereon fully prepaid, addressed to such president or secretary at the address of the principal office of said corporation as shown by the records of his office, reciting thereon that unless such corporation shall, within the time named therein, pay all delinquent taxes and penalties provided for herein, its name will be stricken from the records of his office."

Further consideration of the amendment and Assembly Bill No. 23 was postponed until Monday, February 5, 1923.

On motion of Mr. Jurich, duly seconded and carried, Assembly adjourned until Monday, February 5, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 5, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Henderson, Jurich, and Stites, who were excused.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk was authorized to make any necessary corrections, and the Journal thereupon approved.

### PRESENTATION OF PETITIONS

*To the Honorable the Assembly:*

Whereas the recent action of the Nevada Legislature in passing Senate Bills Nos. 2 and 3 has left Nevada without a state dry law, we urge the immediate passage of a state prohibition law, harmonizing with the national prohibition law.

RENO WOMAN'S CHRISTIAN TEMPERANCE UNION.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 51, 52, 53, 54, 55, 56, 57, and Joint Resolution No. 4 and Joint Resolution No. 17, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

The Elko County Delegation has had Assembly Bill No. 22 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

C. E. WHITESIDES, *Chairman.*

*Mr. Speaker:*

The Elko County Delegation has had Senate Bill No. 22 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 32, and reports favorably on the same, with the recommendation that it do pass with the amendments herewith submitted.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Education has had Assembly Bill No. 35 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

GEORGE A. WHITELEY, *Chairman.*

### INTRODUCTION AND FIRST READING

Mr. Swanson was granted leave to introduce a bill without previous notice.

By Mr. Swanson:

Assembly Bill No. 6 —An Act to amend an Act entitled "An Act to



provide for the adoption of children," approved February 2, 1885, and as amended by Acts approved March 11, 1921, and March 22, 1921.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 23.

On motion of Mr. Peterson, duly seconded and carried, Assembly Bill No. 23, was rereferred to Committee on Judiciary.

Assembly Bill No. 32.

The Elko County Delegation offered the following amendment to section 1:

SECTION 1. That the Board of County Commissioners of the county of Elko, State of Nevada, be and they are hereby authorized to allow a claim of Andrew J. McDermott in the sum of two thousand six hundred and thirty-two and  $\frac{89}{100}$  (\$2,632.80) dollars for compensation for said injuries recited in the preamble of this Act; the County Auditor is hereby authorized and directed to draw his warrant in payment of said claim when so allowed; and the County Treasurer is hereby authorized and directed to pay said warrant upon presentation to him; *provided, however*, that said Andrew J. McDermott shall execute to the county of Elko, State of Nevada, a written release, discharging said county and its officers, and each of them, from any and all liability, claim or demand arising or which might arise by reason of said injuries so suffered by him.

On motion of Mr. Patterson, duly seconded, the amendment was adopted.

The Elko County Delegation offered the following amendment to section 2:

SEC. 2. Nothing in this Act shall be deemed to create or admit any liability in law on the part of any county and its officers or any of them for injuries which may be suffered by any person under similar circumstances to those considered in this bill.

On motion of Mr. Patterson, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 32, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Heinrichs, Hussman, James, Keough, Laing, Long, Love, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Tandy, Towle, Whitesides, Whitmore, and Yeager—28.

NAYS—None.

Absent—Henderson, Jurich, and Stites—3.

Not voting—Houlahan, Kennedy, Marsh, Swanson, Whiteley, and Mr. Speaker—6.

Mr. Speaker declared that Assembly Bill No. 32, having received a constitutional majority, was passed.

Assembly Bill No. 33.

The Committee on Education offered the following amendment:

Add two new sections as follows:

SEC. 3. Copies of this Act shall be kept posted in every room of

every public or private school by the principal or teacher in charge thereof.

SEC. 4. It shall be the duty of the principal, teacher, or other person or persons, in charge of each school building to see that the provisions of this Act are enforced.

Further amended by striking out figure "3" in line 11, and insert in lieu thereof figure "5."

On motion of Mr. Meyers, duly seconded, the amendments were adopted.

Roll-call on Assembly Bill No. 33, as amended :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson, Jurich, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 33, having received a constitutional majority, was passed.

Assembly Bill No. 35.

The Committee on Education offered the following amendments :

Section 1, page 1, line 10, after the word "schools" insert the words "of this State" between that word and the word "as."

Section 2, page 2, line 16, between the first "comma" and "and" insert the words "or partly as such teacher and partly as superintendent or supervising executive or educational administrator."

In the title after "1915" change the period to a comma, and add the words "as amended by Act approved March 25, 1919."

On motion of Mr. Whiteley, duly seconded, the amendments were adopted.

Mr. Marsh moved, duly seconded, that Assembly Bill No. 35 be temporarily laid on the table.

Motion lost.

Roll-call on Assembly Bill No. 35, as amended :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Tandy.

Absent—Henderson, Jurich, and Stites—3.

Not voting—Mr. Speaker.

Assembly Bill No. 40.

On motion of Mr. Carpenter, duly seconded and carried, Assembly Bill No. 40 was rereferred to Committee on Irrigation.

Assembly Bill No. 12.

The Committee on Judiciary offered the following amendment :

In Assembly Bill No. 12, on page 2, line 2, strike out the word "presenting" and insert in lieu thereof the words "the presentation." On page 2, line 2, after the word "board" insert the word "of." On page 2, line 4, after the word "actual" insert the words "and unneces-



sary." On page 2, line 6, after the word "held" insert the words "and return therefrom."

On motion of Mr. Patterson, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 12, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Towle.

Absent—Henderson, Jurich, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 12, having received a constitutional majority, was passed.

Assembly Bill No. 15.

On motion of Mr. Marsh, duly seconded and carried, Assembly Bill No. 15 was made a special order of business for Wednesday, February 7, 1923, at 2:15 p. m.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly recessed until 2 p. m.

### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

All present except Messrs. Henderson and Stites, who were excused.

### MOTIONS AND RESOLUTIONS

On motion of Mr. Laing, duly seconded and carried, Assembly Bill No. 22 was placed at top of file for third reading and final passage.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 22.

The following amendment was offered by Mr. Laing:

Amend section 2 by inserting in line 9, section 9a, between the words "supervisors" and "have" the word "shall."

On motion of Mr. Laing, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Bill No. 22, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 22, having received a constitutional majority, was passed.

Assembly Bill No. 20.

The following amendment to section 1 was offered by the Committee on Judiciary:



In section 1 of Assembly Bill No. 20, on page 1, line 6, after the word "State" insert the words "in full payment for such services."

On motion of Mr. Jurich, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 20, as amended :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Stites—2.

Not voting—Mr. Speaker.

Assembly Bill No. 20, having received a constitutional majority, was declared passed.

Assembly Bill No. 26.

Roll-call on Assembly Bill No. 26 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 26, having received a constitutional majority, was passed.

Mr. Davison was excused for the remainder of the day.

Assembly Bill No. 30.

On motion of Mr. Hayes, duly seconded and carried, further consideration of Assembly Bill No. 30 was indefinitely postponed.

Assembly Joint Resolution No. 2.

Remarks by Messrs. Jurich and Long.

Roll-call on Assembly Joint Resolution No. 2 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 2, having received a constitutional majority, was passed.

Senate Bill No. 5.

The following amendment was offered by Mr. Kennedy :

Amend section 1 by adding the following after line 4, page 1: "or at a greater rate of speed than thirty-five miles per hour."

Mr. Kennedy moved, duly seconded, that amendment be adopted.

Motion lost.

The following amendment was offered by the Committee on Counties and County Boundaries :

Amend the title by striking the word "Public" and inserting in lieu thereof "the streets and." On page 1, section 1, line 3, strike the word "Public" and add in lieu thereof "street or."

On motion of Mr. Love, duly seconded, the amendment was adopted.

Roll-call on Senate Bill No. 5, as amended:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Stites.

Not voting—Davison and Mr. Speaker—2.

Mr. Speaker declared that Senate Bill No. 5, having received a constitutional majority, was passed.

Senate Bill No. 9.

Remarks by Miss Towle and Messrs. Jurich, Tandy and Whiteley.

Roll-call on Senate Bill No. 9:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Jurich.

Absent—Davison and Stites—2.

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Senate Bill No. 9, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 10, which this day passed the Senate by the following vote: Yeas, 10; nays, 5; absent, 2.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Geraghty, duly seconded and carried, the Assembly adjourned until Tuesday, February 6, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE TWENTY-THIRD DAY

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CARSON CITY (Tuesday), February 6, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Jurich, Love, and Stites, who were excused.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk was authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 58, 59, 60, 61, 62, 63, 64, and 65, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bills Nos. 5 and 57 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

Walter M. Kennedy, *Chairman.*

*Mr. Speaker:*

Your Committee on State Institutions has had Assembly Bill No. 45 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Peter Henrichs, *Chairman.*

*Mr. Speaker:*

Your Committee on Mines and Mining has had Assembly Bill No. 38 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the attached amendment.

Also, Senate Bill No. 30, and reports favorably on the same, with the recommendation that it do pass.

J. M. Houlahan, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 48 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Martin P. Geraghty, *Chairman.*

### INTRODUCTION AND FIRST READING

By Mr. Addenbrooke (by request):

Assembly Bill No. 67—An Act, to be called the Nevada prohibition law, to make the provisions of the National Prohibition Act of the United States the law of the State of Nevada; to provide for the enforcement of this Act by the Nevada State Police; to provide for the removal of peace officers and District Attorneys who neglect to enforce the provisions of this Act; and to repeal all Acts in conflict herewith.



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

By Mr. Addenbrooke:

Assembly Bill No. 68—An Act to amend an Act entitled "An Act to license and regulate insurance business in this State," approved February 23, 1881, Revised Laws of Nevada, sections 1266-1284.

On motion of Mr. Addenbrooke, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

By Mr. Addenbrooke:

Assembly Bill No. 69—An Act for the relief of Eugene Schuler.

On motion of Mr. Addenbrooke, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Claims.

By Miss Gosse (by request):

Assembly Bill No. 70—An Act to amend sections 5 and 6 of an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 17, 1913.

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

By Mr. Nelson (by request):

Assembly Bill No. 71—An Act prohibiting the manufacture, sale, gift, possession, advertisement, or transportation of intoxicating liquor, except for certain purposes and under certain conditions; adopting the penal provisions of the Volstead Act, being title two of the Act of Congress enacted October 28, 1919, under the authority of the Eighteenth Amendment to the Constitution of the United States, as the law of Nevada; and other matters properly connected therewith.

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

By Mr. Long:

Assembly Bill No. 72—An Act granting aid to the State Agricultural Society for the purpose of holding state fairs during the years 1923 and 1924, and to erect, maintain, and improve the buildings and grounds of the Society for the years 1923 and 1924.

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

By Mr. Addenbrooke (by request):

Assembly Bill No. 73—An Act to prohibit the manufacture, sale, transportation, keeping for sale, and gift, of malt, vinous, and spirituous liquors, and other intoxicating drinks, mixtures or preparations; making the Superintendent of the Nevada State Police ex officio Com-

missioner of Prohibition, and defining his duties; and providing for the enforcement of this Act, and prescribing penalties for the violation thereof.

On motion of Mr. Addenbrooke, 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 Miss Towle:

Assembly Joint Resolution No. 5, memorializing Congress to liberalize repayment requirements under the Federal Reclamation Act.

On motion of Miss Towle, rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Federal Relations.

By Mr. Hayes:

Assembly Joint Resolution No. 6—Joint Resolution of the Senate and Assembly of the State of Nevada, providing for submission to the electors of the State of Nevada, the question of the abolition of the body known as the "Nevada State Police."

On motion of Mr. Hayes, rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Military and Indian Affairs.

By Mr. Nelson (by request):

Assembly Joint Resolution No. 7, proposing to amend section 3 of article I of the Constitution of the State of Nevada.

On motion of Mr. Nelson, rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Judiciary.

#### PRESENTATION OF PETITIONS

HON. JAMES M. LOCKHART, *Speaker of the Assembly, Carson City, Nevada.*

DEAR SIR: This is to acknowledge the receipt of a copy of very fitting resolutions regarding James L. Butler, the discoverer of Tonopah. The Nevada State Historical Society at an adjourned meeting held last Saturday evening passed a vote of thanks to the Legislature and the Governor of Nevada for their thoughtfulness in filing a copy of the resolution in the archives of this institution, and desire to give assurance that it will be carefully preserved.

The Board of Trustees of this Society, consisting of G. F. Talbot, H. E. Reid, Emmet D. Boyle, W. J. Harris, James D. Finch, B. D. Billingham, Mrs. Anthony Huffaker, C. F. Cutts, and the Secretary, have directed me to extend to the members of the Thirty-first Nevada Legislature and to the Governor their most cordial invitation to visit the Nevada State Historical Society building when they are in Reno. There they may see, among other things, the painting of James Butler and the burro, both of which are said to be not good likenesses of the originals.

Will you kindly extend this invitation to your honorable body and greatly oblige

Yours sincerely,

J. E. WIER, *Secretary.*

On motion of Mr. Whitesides, duly seconded and carried, Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

All present, except Messrs. Kennedy and Stites, who were excused.



## PRESENTATION OF PETITIONS

A resolution, as passed by the official board of the Methodist Episcopal Church at Reno, asking that resolution for the sale of beer and light wines be not passed by the Legislature, was read by the Chief Clerk.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 49 and 66, hereto attached, are correct copies of the triplicate thereof in its possession.

Alice S. Towle, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 10 with the engrossed copy, finds the same correctly enrolled, and has this day delivered the same to the Governor.

Webster Paterson, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bill No. 27 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the amendments herewith submitted.

Also, Assembly Bill No. 29, and reports favorably on the same, with the recommendation that it do pass with the attached amendments.

W. M. Kennedy, *Chairman.*

*Mr. Speaker:*

The Elko County Delegation has had Assembly Bill No. 56 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Webster Paterson, *Chairman.*

*Mr. Speaker:*

The Eureka County Delegation has had Assembly Bill No. 44 under consideration, and begs leave to submit a substitute for same, with the recommendation that the substitute be adopted and ordered printed.

J. P. Whitmore, *Chairman.*

On motion of Mr. Whitmore, duly seconded, Assembly Substitute for Assembly Bill No. 44 was adopted and ordered printed.

## MOTIONS AND RESOLUTIONS

On motion of Mr. Henderson, duly seconded and carried, Mr. Herbert Choynski was asked to address the Senate and Assembly in joint session.

Mr. Henderson, Miss Towle and Mr. Whitesides were appointed a committee to invite the Senate to sit in joint session.

## INTRODUCTION AND FIRST READING

By Mr. Addenbrooke:

Assembly Bill No. 74—An Act granting to contractors for, patentees of and purchasers of land from the State of Nevada the mineral and nonmetallie substances of value other than for agriculture lying within such lands, and repealing such Acts and parts of Acts as are in conflict herewith.

On motion of Mr. Addenbrooke, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Internal Improvements.



By Miss Gosse:

Assembly Bill No. 75—An Act to prohibit intoxicating beverages and requiring certain officers of the State of Nevada to cooperate in the enforcement of the National Prohibition Act of Congress effective October 28, 1919; to further define the duties of such officers in connection therewith; providing penalties for the violations thereof, and other matters relating thereto, and to repeal an Act entitled "An Act to prohibit the manufacture, sale, keeping for sale, and gift, of malt, vinous and spirituous liquors, and other intoxicating drinks, mixtures or preparations, making the Superintendent of the Nevada State Police ex officio Commissioner of Prohibition, and defining his duties; and providing for the enforcement of this Act, and prescribing penalties for the violation thereof," enacted pursuant to the direct vote of the people, General Election, November 5, 1918.

On motion of Miss Gosse, 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.

### IN JOINT SESSION

Joint Session called to order at 2:30 p. m., the President of the Senate presiding.

Mr. Herbert Choynski addressed the Joint Session.

### HOUSE IN SESSION

At 2:45 p. m.

Mr. Speaker in the chair.

### INTRODUCTION AND FIRST READING

By Mr. Garaventa (by request):

Assembly Bill No. 76—An Act to amend section 3 of an Act entitled "An Act to fix the fees and mileage of witnesses and jurors, providing the manner of payment thereof, and to repeal all Acts and parts of Acts in conflict herewith," approved March 26, 1919.

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

By Mr. Whitesides:

Assembly Bill No. 77—An Act to amend section 2 of an Act entitled "An Act to provide for the payment of a bounty to encourage the boring of wells in searching for oil, and making an appropriation therefor," approved March 22, 1921.

On motion of Mr. Whitesides, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Agriculture.

By Mr. Henderson:

Assembly Bill No. 78—An Act authorizing the Board of City Commissioners of the city of Las Vegas, county of Clark, to issue bonds to provide for the construction of a highway through the said city of Las Vegas to connect with Route 6 of the State Highway System of

the State of Nevada, and providing for the ratification thereof by special or general elections before the issuance of any such bonds.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Clark County Delegation.

GENERAL FILE AND THIRD READING

Senate Bill No. 22.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

On motion of Mr. Marsh, duly seconded and carried, the Assembly adjourned until 11 a. m. Wednesday, February 7, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE TWENTY-FOURTH DAY

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CARSON CITY (Wednesday), February 7, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk was authorized to make any necessary corrections, and the Journal thereupon approved.

### INTRODUCTION AND FIRST READING

By Mr. Robb:

Assembly Bill No. 79—An Act to amend an Act entitled "An Act to regulate proceedings in civil cases in this State and to repeal all other Acts in relation thereto," approved March 17, 1911, by adding thereto seventeen new sections to be numbered and designated sections eight hundred seventy-four a, to eight hundred seventy-four q, inclusive, creating a small-claims court, prescribing the procedure therein, and prescribing the method of appealing therefrom.

On motion of Mr. Robb, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Claims.

By Mr. Davison:

Assembly Bill No. 80—An Act to prohibit the importation or employment of armed persons other than citizens of Nevada during the continuance of an industrial dispute, and providing a penalty for the violation thereof.

On motion of Mr. Davison, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 38.

On motion of Mr. Houlahan, duly seconded and carried, Assembly Bill No. 38 was rereferred to Committee on Mines and Mining.

Assembly Bill No. 57.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.



Mr. Speaker declared that Assembly Bill No. 57, having received a constitutional majority, was passed.

Assembly Bill No. 48.

Roll-call :

YEAS—Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Carpenter and Nelson—2.

Absent—Stites.

Not voting—Addenbrooke and Mr. Speaker—2.

Assembly Bill No. 5.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 5 was rereferred to Committee on Judiciary for correction.

Assembly Bill No. 45.

On motion of Mr. Meyers, duly seconded and carried, Assembly Bill No. 45 was referred to Committee of the Whole.

Assembly Bill No. 29 :

The Committee on Judiciary offered the following amendments to Assembly Bill No. 29 :

Section 1, line 1, page 1, strike out the words "or ass," and insert "or" before the word "mule."

Section 2, line 10, page 1, strike out the words "or ass," and insert "or" before the word "mule."

Section 3, line 9, page 2, strike out the words "or ass," and insert "or" before the word "mule."

Section 4, line 19, page 2, strike out the words "or ass," and insert "or" before the word "mule."

Section 11, line 17, page 5, between the words "the" and "right" insert the word "legal."

Section 12, line 21, page 5, add the words "*provided, however,* that nothing in this Act contained shall be construed as repealing that certain Act entitled 'An Act to prevent the trespassing of animals upon private property,' approved December 12, 1862."

In the first line of the title, change the word "and" to a comma, and insert "and asses" after the word "goats."

On motion of Mr. Love, duly seconded, the amendments offered by the Committee on Judiciary were adopted.

Mr. Whiteley offered the following amendment :

In section 8, line 19, page 4, strike out the words "or ass," and insert the word "or" before the word "mule."

On motion of Mr. Marsh, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 29 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—Tandy.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 29, having received a constitutional majority, was passed.

Assembly Bill No. 27.

The Committee on Judiciary offered the following amendments to Assembly Bill No. 27:

Section 1, line 6, page 1, strike out the second word "mark."

Section 4, line 22, page 2, strike out the comma and insert a comma after "by."

Section 9, line 27, page 5, insert "and" between the words "record" and "prima."

Section 9, line 29, page 5, insert a comma after the word "facsimile."

Section 9, line 29, page 5, insert a comma after the word "scale."

Section 10, line 18, page 6, add an "s" to the word "horse."

Section 11, line 30, page 6, strike out "to be legal."

Section 11, line 23, page 7, change the period to a semicolon and add the following: "*and provided further*, that the record of such instrument or instruments of transfer, or the transcript thereof certified by the custodian of such record, may be read in evidence without further proof."

On motion of Mr. Marsh, duly seconded, amendments offered by Committee on Judiciary were adopted.

The following amendment was offered by Mr. Whiteley:

In section 15, line 22, page 9, change the word "nor" to "or."

On motion of Mr. Love, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 27:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

## PRESENTATION OF PETITIONS

*To the Honorable the Assembly:*

The Reno Chamber of Commerce at an open meeting of its members on Friday, February 2, and at a regular meeting of the Board of Directors, February 6, favored the continuation of the Nevada Highway Commission on its present basis.

This action was taken in view of the excellent record made by the present Commission and the large amount of highway construction still to be completed in the present state highway program.

We urge your most careful consideration and favorable action of this endorsement when this legislation is reported.

RENO CHAMBER OF COMMERCE.

*To the Honorable the Assembly:*

Tonight at Armory Hall the Ormsby County Basket-Ball League will start their games at 7:30. Games are as follows:

Stewart vs. Town; Prison vs. Carson High School; Highway vs. Legion.  
Admission, 25 cents.

ORMSBY COUNTY BASKET-BALL LEAGUE.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Joint Resolution No. 17 of the Thirtieth Session under consideration, and begs leave to report favorably on the same, with the recommendation that the same do pass.

Also, Assembly Bill No. 64, and recommends that it do pass with the amendments herewith submitted.

Also, Assembly Bills Nos. 59 and 66, and recommends that the same do pass.

Also, Senate Concurrent Resolution No. 3, and reports favorably on the same, with the recommendation that the same be adopted by the Assembly.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Senate Bill No. 7 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

MARTIN P. GERAGHTY, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 33, which passed the Senate by the following vote: Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 16, which passed—Yeas, 15; nays, none; absent, 2.

Also, to return Assembly Bill No. 28, which passed the Senate—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

## MOTIONS AND RESOLUTIONS

On motion of Mr. Martin, duly seconded and carried, special order of business set for 2:30, February 7, 1923, was vacated, and Assembly Bill No. 15 was placed at top of file.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 15.

The following amendment was offered by Mr. Jurich:

Amend Assembly Bill No. 15 by adding thereto the following section:

SEC. 2. Any person, who shall, at the time of the passage and approval of this Act, be under sentence of death, shall have the same set aside and in lieu thereof be sentenced to life imprisonment.

Moved by Mr. Jurich, duly seconded, that amendment be adopted.  
Lost.

The following amendment was offered by Mr. Jurich:

Amend section 1 by striking therefrom, in lines 7 and 8, the following: "or by any other kind of wilful, deliberate, and premeditated killing."



On motion of Mr. Jurich, duly seconded, the amendment was adopted.

The following amendment was offered by Mr. Jurich:

Amend section 1 of Assembly Bill No. 15 by adding in line 6 after the word "shall" the following: "suffer death or."

On motion of Mr. Jurich, duly seconded, the amendment was adopted.

Discussion by Messrs. Marsh, Hayes, Whiteley, Meyers, and Long.

Roll-call on Assembly Bill No. 15, as amended:

YEAS—Hayes.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

Absent—Stites.

Not voting—Robb and Mr. Speaker—2.

Mr. Marsh gave notice that he would move for reconsideration of vote taken on Assembly Bill No. 15 on the next legislative day.

Mr. Jurich gave notice that he would move for a reconsideration of vote taken on Assembly Bill No. 15 on the next legislative day.

Mr. Speaker declared that Assembly Bill No. 15, having failed to receive a constitutional majority, was lost.

Assembly Bill No. 56.

Roll-call:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Stites.

Not voting—Carpenter, Houlahan, Keough, Towle, and Mr. Speaker—5.

Mr. Speaker declared that Assembly Bill No. 56, having received a constitutional majority, was passed.

Senate Bill No. 30.

The following amendment was offered by Mr. Jurich:

Amend section 1 of Senate Bill No. 30 by inserting the word "Section" before figure in line 1.

On motion of Mr. Jurich, duly seconded, the amendment was adopted.

Roll-call on Senate Bill No. 30, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 30, having received a constitutional majority, was passed.

On motion of Mr. Jurich, duly seconded and carried, the Assembly adjourned until 11 a. m. Thursday, February 8, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE TWENTY-FIFTH DAY

---

CARSON CITY (Thursday), February 8, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk was authorized to make any necessary corrections, and the Journal thereupon approved.

### PRESENTATION OF PETITIONS

HON. J. M. LOCKHART, *Speaker, Nevada Assembly, Carson City, Nevada.*

MY DEAR MR. LOCKHART: The Reno Chamber of Commerce at an open meeting of its members on Friday, February 2, and at a regular meeting of the Board of Directors held February 6, unanimously adopted the following resolution:

*Resolved*, That the organization of the Public Service Commission be maintained for the future as provided for under the Public Service Commission Law as it exists today.

At the present time there is a bill pending in the Senate known as Senate Bill No. 38 which, if enacted into law, will so change the present Act as to provide that the Lieutenant-Governor, the Attorney-General, and the State Engineer shall act as ex officio members of the Public Service Commission.

The Public Service Commission of Nevada has performed invaluable services to the State in the past and will be confronted by many important problems in the future.

In the opinion of the members of the Reno Chamber of Commerce the membership of this commission should consist of men who are peculiarly fitted to handle transportation problems as provided for under the present law.

It is also felt that no change in the law should be made which will have a tendency to make the commission subject to political influences of any kind.

We, therefore, respectfully request that the members of the Legislature give earnest consideration to the matters herein referred to with a view to maintaining for the future a strong and efficient Public Service Commission.

Respectfully submitted,

RENO CHAMBER OF COMMERCE.

### MESSAGES FROM THE GOVERNOR

*To the Honorable the Assembly:*

I have the honor to report that the following enrolled bills and resolutions were received from your body, and disposed of as follows:

Assembly Bill No. 6, received January 27; approved January 27; forwarded to Secretary of State January 29.

Assembly Joint Resolution No. 1, received January 27; approved January 27; forwarded to Secretary of State January 29.

Assembly Bill No. 2, received January 31; approved January 31; forwarded to Secretary of State February 2.

Assembly Bill No. 24, received January 31; approved February 2; forwarded to Secretary of State February 2.

Assembly Bill No. 7, received January 31; approved February 5; forwarded to Secretary of State February 5.



Assembly Bill No. 3, received February 2; approved February 5; forwarded to Secretary of State February 5.

Assembly Bill No. 10, received February 6; approved February 7; forwarded to Secretary of State February 7.

Respectfully,

J. G. SCRUGHAM, *Governor.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 56, which passed the Senate, as amended, by the following vote: Yeas, 15; nays, none; absent, 2.

Also, Senate Substitute for Senate Bill No. 17, which this day passed, as amended—Yeas, 17; nays, none.

Also, Senate Joint Resolution No. 5, which this day passed—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

By Mr. Geraghty:

Assembly Bill No. 81—An Act to provide for the disposition of the proceeds of forfeited bail in criminal cases and proceedings.

On motion of Mr. Geraghty, 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 Miss Gosse:

Assembly Bill No. 82—An Act to regulate the professional nursing of the sick in the State of Nevada, providing for the examination and issuing of certificates to graduate nurses, and providing penalties for the violation of this Act.

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

Senate Bill No. 56—An Act to amend sections 4, 12, and 22 of an Act entitled "An Act regulating the nomination of candidates for public office in the State of Nevada," approved March 23, 1917, as amended March 28, 1921, and set forth in volume 3, Revised Laws of Nevada, 1919, at pages 2713 to 2723.

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

Senate Joint Resolution No. 5—Memorializing Congress to adopt and submit to the several States of the Union an amendment to the Constitution of the United States authorizing Congress to regulate the employment of child labor in the industries of the United States.

On motion of Mr. Swanson, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

Senate Substitute for Senate Bill No. 17—An Act to create a Board of Chiropractic Examiners and to regulate the practice of chiropractic,

and to provide penalties for violation of this Act, and to prohibit the practice of any other mode or system under the name of chiropractic.

On motion of Mr. Nelson, 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.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 7.

The Committee on Labor offered the following amendments:

In section 1 strike out all of lines 1, 2, and 3 up to and including the word "employees" and insert in lieu thereof the following: "when in or at any camp where five or more persons are employed, where bunkhouses, tents or other suitable sleeping-places are provided for the employees as a portion of their compensation, such bunkhouses, tents or other sleeping-places must conform with the requirements of this Act."

Strike out all of section 9 as added in the Senate amendment.

On motion of Mr. Geraghty, duly seconded, the amendments were adopted.

Discussion by Messrs. Henderson and Jurich.

On motion of Mr. Jurich, duly seconded and carried, Senate Bill No. 7 was rereferred to Committee on Labor.

Senate Concurrent Resolution No. 3, relative to the appointing of a committee to investigate and make a survey of the Judicial Districts of the State of Nevada.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—31.

NAYS—Geraghty, Hayes, and Whitmore—3.

Absent—Stites.

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Senate Concurrent Resolution No. 3, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 17 of the Thirtieth Session, relative to amending section 8, article 8, of the Constitution of the State of Nevada:

*Resolved by the Assembly, the Senate concurring.* That section 8 of article 8 of the Constitution of the State of Nevada be amended so as to read as follows:

Sec. 8. The Legislature shall provide for the organization of cities and towns by general laws and shall restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, except for procuring supplies of water; *provided, however,* that the Legislature may by general laws, in the manner and to the extent therein provided, permit and authorize the electors of any city or town to frame, adopt and amend a charter for its own government or to amend any existing charter of such city or town.

Roll-call on Assembly Joint Resolution No. 17 of the Thirtieth Session:



YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 17 of the Thirtieth Session, having received a constitutional majority, was passed.

Assembly Bill No. 59.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 59, having received a constitutional majority, was passed.

Assembly Bill No. 66.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Stites.

Not voting—Henderson and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 66, having received a constitutional majority, was passed.

Assembly Bill No. 64.

The Committee on Judiciary offered the following amendments:

In section 7, page 3, line 12, change the comma after "1918" to a period, and strike out lines 13 to 19, both inclusive.

In the title, line 10, strike out the words after the semicolon down to and including the semicolon in the next to the last line of the title.

On motion of Mr. Whiteley, duly seconded, that amendments offered by the Committee on Judiciary were adopted.

Roll-call on Assembly Bill No. 64, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Laing, Long, Love, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Keough and Marsh—2.

Absent—Stites.

Not voting—Mr. Speaker.



## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 18, which passed the Senate, as amended, by the following vote: Yeas, 17; nays, none.

VIVIAN RICKEY,  
*Assistant Secretary of the Senate.*

On motion of Mr. Nelson, duly seconded, the Assembly concurred in the amendments offered by the Senate.

On motion of Mr. Whitesides, duly seconded and carried, Assembly adjourned until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 67, 68, 69, 70, 71, 72, 74, 77, and Resolutions Nos. 5, 6, and 7, and Substitute for Assembly Bill No. 44, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Mines and Mining has had Assembly Bill No. 38 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

JOHN M. HOULAHAN, *Chairman.*

*Mr. Speaker:*

The Eureka County Delegation has had Assembly Substitute for Assembly Bill No. 44 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

J. P. WHITMORE, *Chairman.*

## MOTIONS AND RESOLUTIONS

Mr. Marsh, having previously given notice, moved that the vote by which Assembly Bill No. 15 was lost be reconsidered.

Motion seconded and carried.

On motion of Mr. Marsh, duly seconded and carried, Assembly Bill No. 15 was rereferred to Committee on Judiciary.

Mr. Long moved that Assembly Bill No. 15 be laid on the table indefinitely.

Motion lost.

## INTRODUCTION AND FIRST READING

Mr. Marsh was granted leave to introduce bills without previous notice.

By Mr. Marsh:

Assembly Joint Resolution No. 8, memorializing Congress to limit

the number of mining claims which may be located by any one person in any mining district.

On motion of Mr. Marsh, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

By Mr. Marsh:

Assembly Bill No. 83—An Act to amend that certain Act entitled "An Act to provide for cooperative agricultural and home economics extension work in the several counties in accordance with the Smith-Lever Act of Congress, approved May 8, 1914; providing for the organization of county farm bureaus; for county and state cooperation in support of such work; making an annual appropriation therefor, levying a tax and for other purposes," approved April 1, 1919, by adding an additional section thereto to be known as section 8.

On motion of Mr. Marsh, 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. Meyers, duly seconded and carried, the Assembly went into Committee of the Whole for the consideration of Assembly Bill No. 45.

#### HOUSE IN SESSION

Mr. Speaker in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE

*Mr. Speaker:*

Your Committee of the Whole has had Assembly Bill No. 45 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

WEBSTER PATTERSON, *Chairman.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Joint Resolution No. 2, which this day passed the Senate by the following vote: Yeas, 16; nays, none; absent, 1.

Also, Senate Concurrent Resolution No. 5, which was this day unanimously adopted by the Senate.

Also, Senate Bill No. 57, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 58, which this day passed as amended—Yeas, 17; nays, none.

Also, Senate Bill No. 14, which this day passed—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### MOTIONS AND RESOLUTIONS

Senate Concurrent Resolution No. 5:

WHEREAS, No man can leave a richer or more enduring memorial behind him than that he has given long years of service in public and private life to his fellow men; and

WHEREAS, Such enduring memorials were strongly exemplified in the lives of Dr. J. D. Campbell, former Senator from Lincoln County, and L. N. Carpenter, former Senator from Humboldt County, both of whom, after long and



honorable service in the Legislature, have recently answered their last roll-call; and

WHEREAS. The members of the Thirty-first Session of the Nevada Legislature wish to give expression to their sincere sorrow, and their heartfelt sympathy for the relatives of the deceased; now, therefore, be it

*Resolved by the Senate, the Assembly concurring.* That when we adjourn on Friday, February 9, 1923, we do so out of respect for the memory of the late Senators; and be it further

*Resolved.* That a copy of this resolution be spread upon the Journals of the Assembly and Senate; that a copy thereof be transmitted to Mrs. J. D. Campbell and to Mrs. L. N. Carpenter; and that a copy thereof be transmitted to the Nevada Historical Society.

On motion of Mr. Henderson, duly seconded, Senate Concurrent Resolution No. 5 was adopted.

#### INTRODUCTION AND FIRST READING

Senate Bill No. 57—An Act to repeal section 391 and to amend section 392 of an Act entitled "An Act concerning crimes and punishments, and repealing certain Acts relating thereto," approved March 17, 1911, said sections 391 and 392 being respectively sections 6656 and 6657 of Revised Laws of Nevada, 1912.

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

Senate Bill No. 58—An Act to amend an Act entitled "An Act to authorize the Board of County Commissioners of the county of Mineral, State of Nevada, to purchase, acquire and construct an electrical power and telephone line extending from the Lundy generating plant of the Nevada-California Power Company, situated in the county of Mono, State of California, to the town of Hawthorne, Nevada, and thence via Luning and Mina to the town of Simon, in the county of Mineral, State of Nevada, and branches thereof; providing for the maintenance and operation of said line as a public utility; the issuance and sale of bonds therefor; the levy and collection of taxes for the payment of said bonds, and other matters relating thereto," approved March 4, 1921.

On motion of Mrs. Millar, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Mineral County Delegation.

Senate Bill No. 14—An Act providing for marshaling of assets.

On motion of Mr. Laing, 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.

On motion of Mr. Hussman, duly seconded and carried, the Assembly adjourned until 11 a. m. Friday, February 9, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE TWENTY-SIXTH DAY

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CARSON CITY (Friday), February 9, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Kennedy and Stites, who were excused.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk was authorized to make any necessary corrections and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 73, 75, 76, 78, 79, and 80, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Claims has had Assembly Bill No. 69 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

J. D. YEAGER, *Chairman.*

*Mr. Speaker:*

Your Committee on Agriculture has had Assembly Bill No. 77 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Federal Relations has had Assembly Joint Resolution No. 5 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. S. HENDERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Senate Joint Resolution No. 5 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bills Nos. 5, 14, and 17, and reports favorably on the same, with the recommendation that they do pass.

Also, Assembly Joint Resolution No. 7, and reports unfavorably on the same, with the recommendation that it do not pass.

Also, Senate Bill No. 11, and begs leave to offer a substitute for the same, with the recommendation that the substitute bill be adopted. Your committee further recommends that the substitute bill be ordered printed.

Also, Senate Bill No. 56, and recommends that the bill be referred to the Committee on Elections.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 33, 16, and 28 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate has concurred in the amendments offered by the Assembly to Senate Bill No. 5 and Senate Bill No. 30.

Also, to present for your consideration Senate Concurrent Resolution No. 6, which was this day adopted unanimously by the Senate.

VIVIAN RICKEY,  
*Assistant Secretary of the Senate.*

## MOTIONS AND RESOLUTIONS

On motion of Mr. Whiteley, duly seconded and carried, Senate Bill No. 56 was referred to Committee on Elections.

Mr. Whiteley moved, duly seconded, that Substitute for Senate Bill No. 11 be adopted and ordered printed.

Senate Concurrent Resolution No. 6:

WHEREAS, Senate Bill No. 15, introduced by Senator Miller, and which thereafter passed the Senate and Assembly and was on the 6th day of February transmitted to the Governor for approval and said bill is now deposited with the Governor, and it is the desire to have said bill returned to the Senate for corrections and amendments:

*Resolved by the Senate, the Assembly concurring,* That Senate Bill No. 15 be withdrawn from the office of the Governor and returned to the Senate for such further disposition as may be deemed wise or expedient.

On motion of Mr. Whiteley, duly seconded, Senate Concurrent Resolution No. 6 was adopted.

## INTRODUCTION AND FIRST READING

Messrs. Love, Jurich, Yeager, Whiteley, and Long were granted leave to introduce bills without previous notice.

By Mr. Jurich:

Assembly Bill No. 84—An Act defining disqualifications of a Justice, Judge and Justice of the Peace, and providing for the calling of another Judge in such cases.

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

By Mr. Jurich:

Assembly Bill No. 85—An Act to prevent unnecessary delay in rendering judicial decisions in the courts of record of this State, and repealing a certain Act in conflict herewith.

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

By Mr. Jurich:

Assembly Bill No. 86—An Act requiring any person or persons transacting business in this State under a fictitious name or designation to file certificate thereof, and providing penalties for a violation hereof, and repealing all Acts in conflict herewith.



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

By Mr. Jurich :

Assembly Bill No. 87—An Act to repeal certain sections of an Act entitled "An Act to regulate proceedings in criminal cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911, effective January 1, 1912.

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

By Mr. Love :

Assembly Bill No. 88—An Act repealing an Act entitled "An Act regulating the nomination of candidates for public offices in the State of Nevada," approved March 23, 1917; and to repeal all Acts in conflict herewith, and other matters properly connected therewith.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

By Mr. Yeager (by request) :

Assembly Bill No. 89—An Act to authorize and direct the Board of School Trustees of Canal School District No. 15 of Lyon County, State of Nevada, to issue bonds for the purpose of liquidating, canceling, and retiring floating indebtedness outstanding in said district.

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

By Mr. Whiteley :

Assembly Bill No. 90—An Act to amend section 9 of an Act entitled "An Act regulating the fiscal management of counties, cities, towns, school districts, and other governmental agencies," approved March 22, 1917, as amended by Act approved March 22, 1921.

On motion of Mr. Whiteley, 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 White Pine County Delegation :

Assembly Bill No. 91—An Act authorizing the acquisition of certain public utilities for the town of Lund, the issuance and sale of bonds therefor, the levy and collection of taxes for the payment thereof, and other matters relating thereto.

On motion of Mr. Whiteley, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to White Pine County Delegation.

By White Pine County Delegation :

Assembly Bill No. 92—An Act authorizing the acquisition of certain public utilities for the town of Preston, the issuance and sale of bonds therefor, the levy and collection of taxes for the payment thereof, and other matters relating thereto.



On motion of Mr. Whiteley, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to White Pine County Delegation.

By Mr. Long :

Assembly Bill No. 93—An Act to amend sections 1, 2 and 10 of an Act entitled "An Act regulating automobiles or motor vehicles in public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof, and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended and in what manner; to provide for the registration and issuing of number plates for vehicles; and repealing an Act entitled 'An Act to amend certain sections of an Act entitled "An Act regulating automobiles or motor vehicles on public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof, and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended, and in what manner, and repealing an Act of the same title approved March 24, 1913," approved March 24, 1915,' approved March 24, 1917, and repealing a certain section of a certain Act," approved March 25, 1921.

On motion of Mr. Long, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

#### GENERAL FILE AND THIRD READING

Assembly Substitute for Assembly Bill No. 44.

Mr. Whitmore offered the following amendment :

In section 2 of Assembly Substitute for Assembly Bill No. 44 on page 2, line 2, strike out the word "ten" and insert the words "twenty-five."

On motion of Mr. Whitmore, duly seconded, the amendment was adopted.

The Eureka County Delegation offered the following amendment :

On page 3, line 11, of Assembly Substitute for Assembly Bill No. 44, place a period after the word "law," and strike out the balance of line 11 and lines 12, 13, 14 and 15.

On motion of Mr. Whitmore, duly seconded, the amendment was adopted.

Roll-call on Assembly Substitute for Assembly Bill No. 44 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Kennedy and Stites—2.

Not voting—Mr. Speaker.

Assembly Bill No. 38.

The Committee on Mines and Mining offered the following amendment:

Amend section 19 of Assembly Bill No. 38 by changing the word "ten" to "twelve" on page 2, line 4.

On motion of Mr. Houlahan, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 38:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Kennedy and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 38, as amended, having received a constitutional majority, was passed.

On motion of Mr. Jurich, duly seconded and carried, the Assembly adjourned until Tuesday, February 13, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE THIRTIETH DAY

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CARSON CITY (Tuesday), February 13, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Henderson, Henrichs and Mrs. Millar, who were excused.

Invocation by Rev. T. W. Bateman.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### PRESENTATION OF PETITIONS

*To the Honorable the Assembly:*

At a meeting of the official board of the Methodist Episcopal Church at Reno, Nevada, on February 5, 1923, the following resolution was adopted:

*Resolved*, That this official board respectfully petitions the Legislature of the State of Nevada to sustain the Governor's veto of the bill repealing the present Initiative State Prohibition Act.

Said resolution was unanimously adopted by said official board and the chairman and secretary of the meeting were instructed to transmit a copy of the same to your honorable body.

ARTHUR F. LASHER, *Secretary*.

RALPH MILLER, *Chairman*.

*To the Honorable the Assembly:*

At a meeting of citizens of this State held in Reno, on Monday, January 29, 1923, with more than fifty in attendance, the following resolution was passed:

*Resolved*, That we are opposed to the repeal of the present Nevada Prohibition Law, known as the Initiative Act, by any Act which does not provide an efficient substitute therefor; and that we favor the passage of an Act to provide for the enforcement by the State of Nevada of the Eighteenth Amendment to the Constitution of the United States and of the Federal Prohibition Law as now in effect.

The undersigned were appointed a committee to present the same to your honorable body.

E. F. JONES, *Chairman*;

OTIS LINN,

ARTHUR F. LASHER, *Committee*.

A communication was read from National Conference of Commission on Uniform Laws, asking for the support of the Legislature of Nevada toward securing same, and was referred to Committee on Judiciary.

Communication from House of Representatives of Nebraska enclosing copy of House Joint Memorial No. 4 asking Congress to appropriate \$20,000,000 for forest roads.



## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 81 and 82, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman.*

## MOTIONS AND RESOLUTIONS

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 9 was placed at the top of the file.

## INTRODUCTION AND FIRST READING

By Miss Gosse:

Assembly Bill No. 94—An Act to require the teaching of the Constitution of the United States and of this State, including the study of and devotion to American institutions and ideals, in all the public schools and colleges.

On motion of Miss Gosse, 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 Miss Gosse:

Assembly Bill No. 95—An Act to amend sections 351 and 354 of an Act entitled "An Act to regulate proceedings in criminal cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911; being respectively sections 7201 and 7204 of Revised Laws of Nevada, 1912.

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

By Mr. Addenbrooke:

Assembly Bill No. 96—An Act to amend section 6 of an Act entitled "An Act concerning County Recorders, and defining their duties," approved March 9, 1865, as amended March 11, 1921.

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

By Washoe County Delegation:

Assembly Bill No. 97—An Act authorizing and empowering the City Council of the city of Reno, county of Washoe, State of Nevada, to dispose of certain parcels of real estate.

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

By Washoe County Delegation:

Assembly Bill No. 98—An Act providing an appropriation for the payment of street work on that portion of North Virginia Street in the city of Reno, Washoe County, Nevada, fronting on the property and grounds of the Nevada State University.

On motion of Mr. Geraghty, rules were suspended, reading so far

had considered first reading, rules further suspended, bill read second time by title, and referred to Washoe County Delegation.

By Washoe County Delegation:

Assembly Bill No. 99—An Act providing for the establishment within cities and incorporated towns, of districts or zones within which the use of property, height and location of improvements and required open space for light and ventilation of buildings, and establishing of building lines, may be regulated by ordinance, providing for a city zoning commission to assist in carrying out the purposes of this Act, and other matters relating thereto.

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

By Washoe County Delegation:

Assembly Bill No. 100—An Act to amend section 3 of an Act entitled "An Act authorizing owners of land to lay out and plat such land into lots, streets, alleys and public places, and providing for the approval of maps and plats thereof," approved March 13, 1905, and all Acts amendatory thereof or supplementary thereto.

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

By Washoe County Delegation:

Assembly Bill No. 101—An Act to amend an Act entitled "An Act to incorporate the town of Reno, in Washoe County, and defining the boundaries thereof, and to authorize the establishing of a city government therefor, and other matters relating thereto," by dividing sections 10 of article XII of said Act into sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j, and amending same, and adding thereto a new section to be known as section 10k.

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

By Mr. Love:

Assembly Bill No. 102—An Act requiring bills of sale upon the alienation, sale and transfer of range horses, mules, asses and cattle, and making the failure of one charged with certain crimes to produce in evidence such bills of sale prima-facie evidence of illegal ownership of such animals.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

By Committee on Roads and Highways:

Assembly Joint Resolution No. 9—Memorial to the Congress of the United States praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations and other public-land areas.

On motion of Mr. Long, rules were suspended, reading so far had



considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Roads and Highways.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor has had Senate Bill No. 7 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

MARTIN P. GERAGHTY, *Chairman.*

On motion of Mr. Geraghty, duly seconded and carried, amendments to Senate Bill No. 7, as offered by the Committee on Labor, were adopted.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 22, which passed the Senate by the following vote: Yeas, 16; nays, none; absent, 1.

Also, to present for your consideration Senate Bill No. 51, which passed as amended—Yeas, 16; nays, none; absent 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 51—An Act to grant the right of way to Frederick Davis, W. W. Booher, J. A. McBride, and their associates, for the construction of a railroad, all in the county of Elko, State of Nevada, and matters pertaining thereto.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 9.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlihan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson, Henrichs, and Millar—3.

Not voting—Mr. Speaker.

Assembly Bill No. 9, having received a constitutional majority, was declared passed.

Assembly Bill No. 69.

On motion of Mr. Addenbrooke, duly seconded and carried, Assembly Bill No. 69 was referred to Committee of the Whole.

Assembly Bill No. 77.

The following amendment was offered by Mr. Marsh:

Amend section 1 of Assembly Bill No. 77 by striking out in section 1, line 4, the word "twenty-five" and inserting in lieu thereof the word "ten."

On motion of Mr. Marsh, duly seconded, the amendment was adopted.



Remarks by Mr. Whitesides.

Roll-call on Assembly Bill No. 77, as amended :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Patterson, Peterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—Tandy.

Absent—Henderson, Henrichs, and Millar—3.

Not voting—Geraghty, Nelson, and Mr. Speaker—3.

Mr. Speaker declared that Assembly Bill No. 77, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 5.

Roll-call :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson, Henrichs, and Millar—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 5, having received a constitutional majority, was passed.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Henderson, Henrichs, and Mrs. Millar, who were excused.

## PRESENTATION OF PETITIONS

A communication from Nevada State Farm Bureau, asking that the State take some action to prevent spread of alfalfa weevil, was read and referred to Committee on Agriculture.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 18 and Assembly Joint Resolution No. 2, with the engrossed copies, find the same correctly enrolled, and have delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Assembly Bill No. 61 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the attached amendment.

Also, Assembly Bill No. 63, and reports favorably on the same, with the recommendation that it do pass.

B. R. ADDENBROOKE, *Chairman.*

## INTRODUCTION AND FIRST READING

Messrs. Kennedy, Meyers and Whiteley were granted leave to introduce bills without previous notice.

By Mr. Kennedy:

Assembly Bill No. 103—An Act pertaining to certain partnerships.

On motion of Mr. Kennedy, 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 Fish and Game Committee:

Assembly Bill No. 104—An Act "segregating certain areas of the public domain of the State of Nevada, to be known as state recreation grounds and game refuges; providing for the protection and preservation of game therein, and prescribing a penalty for the violation thereof; making an appropriation therefor, and requiring that the Fish and Game Commission provide a method for the stocking of the state recreation grounds and game refuges.

On motion of Mr. Meyers, 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 Mr. Meyers:

Assembly Bill No. 105—An Act to regulate the fees to be charged and collected by the County Clerk of Ormsby County, State of Nevada, and to repeal all other Acts and parts of Acts in conflict herewith.

On motion of Mr. Meyers, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Ormsby County Delegation.

By Mr. Kennedy:

Assembly Bill No. 106—An Act to amend section 1 of an Act entitled "An Act regulating and prescribing the hours that Sheriffs, County Recorders, County Clerks, County Treasurers, and District Attorneys of all of the counties of the State of Nevada shall keep their offices open for the transaction of public business, and providing a penalty for the violation thereof, and repealing all Acts in conflict herewith," approved March 29, 1907, being sections 1564 and 1565, Revised Laws of Nevada.

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

By Mr. Kennedy:

Assembly Bill No. 107—An Act to amend section 510 of an Act entitled "An Act to regulate proceedings in civil cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911.

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

By Mr. Whiteley:

Assembly Joint Resolution No. 10, recommending the elimination of tax-exemption securities.

On motion of Mr. Whiteley, rules were suspended, reading so far

had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Federal Relations.

## GENERAL FILE AND THIRD READING

## Senate Joint Resolution No. 5.

## Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson, Henrichs, and Millar—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Joint Resolution No. 5, having received a constitutional majority, was passed.

## Assembly Bill No. 5.

## Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson, Henrichs, and Millar—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 5, having received a constitutional majority, was passed.

## Assembly Joint Resolution No. 7.

On motion of Mr. Nelson, duly seconded and carried, Assembly Joint Resolution No. 7 was laid on the table.

## Assembly Bill No. 14.

## Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Henderson, Henrichs, and Millar—3.

Not voting—Robb and Mr. Speaker—2.

Assembly Bill No. 14, having received a constitutional majority, was declared passed.

## Assembly Bill No. 17.

## Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Kennedy, Keough, Love, Martin, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—26.

NAYS—Jurich and Long—2.

Absent—Henderson, Henrichs, and Millar—3.

Not voting—Laing, Marsh, Meyers, Peterson, Swanson, and Mr. Speaker—6.



Mr. Speaker declared that Assembly Bill No. 17, having received a constitutional majority, was passed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly adjourned until Wednesday, February 14, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE THIRTY-FIRST DAY

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CARSON CITY (Wednesday), February 14, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Henderson, who was excused.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 11, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Public Morals has had Senate Bill No. 31 and Substitute for Senate Bill No. 17 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

ROY W. MARTIN, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Assembly Bill No. 46 under consideration, and begs leave to report on the same, without recommendation.

Also, Assembly Bill No. 49, and reports unfavorably on the same, with the recommendation that it do not pass.

Also, Assembly Bill No. 72, and reports same favorably, with the recommendation that it do pass.

B. R. ADDENBROOKE, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to return to your honorable body Assembly Bill No. 20, which passed the Senate by the following vote: Yeas, 11; nays, 6.

Also, Assembly Bill No. 29, which passed—Yeas, 12; nays, none; absent, 4; not voting, 1.

Also, Assembly Bill No. 32, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 56, which passed—Yeas, 16; nays, 1.

Also, to present for your consideration Senate Bill No. 76, which passed—Yeas, 16; nays, none; not voting, 1.

Also, Senate Bill No. 77, which passed—Yeas, 17; nays, none.

Also, Senate Bill No. 50, which passed—Yeas, 17; nays, none.

Also, Senate Bill No. 68, which passed—Yeas, 17; nays, none.

Also, Senate Bill No. 2, which was passed over the Governor's veto, February 13, 1923, by the following vote: Yeas, 12; nays, 5.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

### MOTIONS AND RESOLUTIONS

On motion of Mr. Whiteley, duly seconded and carried, Senate Bill No. 2 was made a special order of business for Tuesday, February 20, 1923.

## INTRODUCTION AND FIRST READING

By Mr. Martin:

Assembly Bill No. 108—An Act to regulate the salaries of certain county officials of Clark County.

On motion of Mr. Martin, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Clark County Delegation.

By Miss Gosse:

Assembly Bill No. 109—An Act regulating common carriers of passengers in motor vehicles upon public streets, roads and highways, providing for the issuance of permits, prescribing penalties for the violation thereof, and other matters relating thereto.

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

By Mr. Stites:

Assembly Bill No. 110—An Act regulating the deposits of county funds in banks; providing for the security of said funds, making certain violations thereof public offenses, providing penalties therefor, and other matters properly relating thereto.

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

Senate Bill No. 76—An Act to amend an Act entitled "An Act regulating the sheep industry in the State of Nevada, creating a State Board of Sheep Commissioners, defining their powers and duties, prescribing their compensation, and providing penalties for the violation hereof," approved March 25, 1919.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

Senate Bill No. 77—An Act to amend "An Act relating to cattle, horses and hogs, and regulating such stock, creating a State Board of Stock Commissioners, defining their duties, and matters properly relating thereto," approved March 26, 1915.

On motion of Mr. Marsh, 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.

Mr. Love moved, duly seconded, that motion be amended, and bill referred to Committee on Live Stock.

Messrs. Love, Patterson, and Hussman asked for a roll-call on amendment.

Roll-call on amendment:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Hussman, Keough, Laing, Long, Love, Meyers, Miller, Murphy, Nelson, Patterson, Robb, Swanson, Towle, Whitesides, Whitmore, and Yeager—24.

NAYS—Davison, Houlahan, James, Jurich, Kennedy, Marsh, Martin, Peterson, Stites, Tandy, and Whiteley—11.

Absent—Henderson.

Not voting—Mr. Speaker.



The amendment was declared adopted, and Senate Bill No. 77 was referred to the Committee on Live Stock.

Senate Bill No. 50—An Act to amend an Act entitled "An Act providing a general corporation law," approved March 16, 1903, and all Acts amendatory thereof or supplementary thereto.

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

Senate Bill No. 68—An Act to amend section 94, being section 1195 of the Revised Laws of Nevada, of an Act entitled "An Act providing a general corporation law," approved March 16, 1903.

On motion of Mr. Jurich, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 7.

The following amendment was offered by the Committee on Labor:

In section 1 strike out all of lines 1, 2 and 3 up to and including the word "employees," and insert in lieu thereof the following: "When in or at any camp where five or more persons are employees, where bunkhouses, tents, or other suitable sleeping-places are provided for the employees, such bunkhouses, tents, or other sleeping-places must conform with the requirements of this Act."

Strike out all of section 9 as added in the Senate amendment.

On motion of Mr. Geraghty, duly seconded, the amendments were adopted.

Roll-call on Senate Bill No. 7, as amended:

YEAS—Addenbrooke, Davison, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, James, Jurich, Kennedy, Keough, Marsh, Meyers, Peterson, Robb, Stites, Tandy, and Whiteley—19.

NAYS—Carpenter, Garaventa, Hussman, Laing, Long, Love, Martin, Millar, Murphy, Nelson, Patterson, Swanson, Towle, Whitesides, and Yeager—15.

Absent—Henderson.

Not voting—Whitacre and Mr. Speaker—2.

Mr. Speaker declared that Senate Bill No. 7, having received a constitutional majority, was passed.

Assembly Bill No. 61.

The following amendment was offered by the Committee on Ways and Means: In section 1, change the word "three" to "two."

Mr. Addenbrooke moved, duly seconded, that amendment be adopted.

Lost.

Roll-call on Assembly Bill No. 61:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—Keough.

Absent—Henderson.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 61, having received a constitutional majority, was passed.

#### SPECIAL ORDER

Assembly invited to sit in joint session with Senate in the Assembly Chamber at 2:30 p. m.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Henderson, who was excused.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 22 with the engrossed copy, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Corporations and Railroads has had Senate Bills Nos. 51 and 68 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

E. C. MURPHY, *Chairman.*

#### GENERAL FILE AND THIRD READING

By Mr. Stites:

Assembly Bill No. 63—An Act to amend sections 5 and 7 of an Act entitled "An Act fixing the salaries of certain officers of Humboldt County, and repealing certain Acts in relation thereto," approved March 11, 1921.

The following amendment was offered by Mr. Peterson:

Amend section 5 of Assembly Bill No. 63 by striking out on line 5, the words "forty-eight hundred (\$4,800)" and insert in lieu thereof the words "forty-five hundred (\$4,500)."

On motion of Mr. Peterson, duly seconded, the amendment was adopted.

The following amendment was offered by Mr. Peterson:

Amend section 2 by striking out on line 14, the words "twelve hundred (\$1,200)," and in lieu thereof insert "nine hundred (\$900)."

On motion of Mr. Peterson, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Bill No. 63, as amended:

YEAS—Addenbrooke, Davison, Garaventa, Gosse, Hayes, Henrichs, James, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Stites, Tandy, Towle, Whiteley, Whitesides, and Whitmore—23.

NAYS—Jurich.

Absent—Henderson, Martin, and Swanson—3.

Not voting—Carpenter, Geraghty, Hays, Houlahan, Hussman, Kennedy, Keough, Robb, Yeager, and Mr. Speaker—10.

Mr. Speaker declared that Assembly Bill No. 63, having received a constitutional majority, was passed.

On motion of Mr. Whitesides, duly seconded and carried, Assembly recessed until 2:30 p. m.

### IN JOINT SESSION

The Joint Session was called to order at 2:30 p. m.

President of the Senate in the chair.

On motion of Senator Chapin, duly seconded and carried, the Joint Session went into Committee of the Whole.

### HOUSE IN SESSION

At 4 p. m.

Mr. Speaker in the chair.

On motion of Mr. Jurich, duly seconded and carried, the Assembly adjourned until 11 a. m. Thursday, February 15, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE THIRTY-SECOND DAY

---

CARSON CITY (Thursday), February 15, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Geraghty, Henderson, and Murphy, who were excused.

Invocation by Rev. T. W. Bateman.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### PRESENTATION OF PETITIONS

*To the Honorable Speaker, Nevada Assembly, Carson City, Nevada.*

DEAR MR. SPEAKER: The Reno Motor Car Dealers' Association cordially invites you and the members of the Nevada Assembly, and ladies, to be the guests of the Association. Friday afternoon, February 16, on an auto tour from Carson City to Reno and around the city of Reno.

Cars will be on hand, leaving Carson City for Reno soon after the hour of adjournment on Friday, and it is the earnest hope of every member of our association that we may give each and every one of you a most pleasurable trip, visiting all points of interest on the way.

That a sufficient number of cars be on hand to accommodate all without crowding, we are requesting that the Sergeant-at-Arms be notified of all who care to avail themselves of this invitation.

Assuring you that we shall deem it a great pleasure to have you as our guests on this occasion, we are

Sincerely yours,

RENO MOTOR CAR DEALERS' ASSOCIATION.

### COMPLAINT AGAINST CLARENCE J. McFADDEN, JUDGE OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF NEVADA, AND PETITION FOR A HEARING OF THE CHARGES HEREIN CON- TAINED.

*To the Honorable the Assembly:*

I, the undersigned, Anthony Jurich, residing at Ely, White Pine County, Nevada, do herewith respectfully present charges of malfeasance, misfeasance, and nonfeasance in office against Clarence J. McFadden, Judge of the Ninth Judicial District of the State of Nevada, and respectfully ask that your honorable body take such action thereon as may be appropriate; and that if said charges be deemed sufficient and be supported by legal evidence upon due hearing and trial had, that said incumbent be removed from said office.

I accuse the said Clarence J. McFadden, Judge as aforesaid, of malfeasance, misfeasance and nonfeasance in office, and to that end respectfully state and show:

(1) That said Clarence J. McFadden is now and during all the times in these specifications alleged has been the duly elected, qualified and acting Judge of the Ninth Judicial District of the State of Nevada.

(2) That while acting as such Judge the said Clarence J. McFadden, in contravention of the true intent, spirit and purpose of the Constitution of the State of Nevada, and of its statutes enacted pursuant thereto, and contrary to the peace and dignity of the people of the State of Nevada, and to the due administration of justice, has wrongfully and wilfully committed and does now

wrongfully and wilfully commit divers and sundry acts constituting reasonable cause and causes in each of respects hereinafter set forth, to be entered upon the Journals of your honorable body for his removal from office, to wit:

## SPECIFICATION A

That he has repeatedly and at divers and sundry times in the past and continuing down to the present time wilfully and knowingly made and filed with the State Controller numerous false affidavits concerning cases, motions and other matters submitted to him as such District Judge which remained undecided, to the effect that no such case, motion or other matter so submitted remained undecided at the time of making such affidavit, whereas in truth and in fact numerous cases and matters had been submitted to him as such Judge for decision, were taken under advisement and at the times of such respective affidavits remained undecided by him, and continued and were so undecided for more than ninety days after submission thereof; in particular certain of said cases and matters being as follows:

The case of Kate I. Nixon et al. v. Trustees of Winnemucca was submitted for decision in August, 1918, and was not decided until October, 1920, and in each and every month during said period said Clarence J. McFadden drew his salary as such Judge from the State Controller.

The case of Studebaker Bros. Company of Utah v. A. B. Witcher et al. was submitted for decision on March 16, 1918, and was not decided until November 30, 1918, and in each and every month during said period said Clarence J. McFadden drew his salary as such Judge from the State Controller.

The case of Schute v. Big Meadows Investment Company was submitted for decision in June, 1918, and was not decided until January, 1919, and in each and every month during said period said Clarence J. McFadden drew his salary as such Judge from the State Controller.

The case of State of Nevada ex rel. Fowler v. Hugh Wilson et al. was submitted for decision on demurrer and taken under advisement on June 12, 1922, and no decision has been rendered up to the present time, but in each and every month during said period said Clarence J. McFadden has drawn his salary as such Judge from the State Controller. That in said last-named cause said Clarence J. McFadden as such Judge, without stipulation or consent of counsel in the case, but arbitrarily and in violation of the statute in such cases made and provided, made an order on November 18, 1922, directing the resubmission of said cause upon briefs.

That said false affidavits were so made by said Clarence J. McFadden for the purpose of procuring from said State Controller, his, said McFadden's, monthly salary as Judge, and through and by means of the same he procured the payment to him by said State Controller of such monthly salaries, as aforesaid.

## SPECIFICATION B

That on or about the 1st day of March, 1919, said Clarence J. McFadden, while acting as such Judge, made and filed with the State Controller a certain false and fraudulent claim against the State of Nevada, purporting to be a claim for his necessary expenses as such Judge in going to and returning from a place of holding court, to wit, Pioche, Nevada, the items of which said claim were and are as follows, to wit:

February 20 to 27, 1919—	
For Room 840 at Hotel Utah in Salt Lake City, Utah.....	\$24.50
For room at Hotel Utah, in Salt Lake City, Utah, on February	
27, 1919 .....	3.50
For meals at Vienna Café in Salt Lake City, Utah, during	
said period .....	18.00
Railroad and Pullman fare, etc.....	27.94
Meals en route Ogden to Ely.....	4.50
	<hr/>
	\$78.44

That said claim bore and bears upon its face the words "To Pioche" in the handwriting of said Clarence J. McFadden, made for the purpose of conveying the impression to said State Controller and causing him to believe that said



Clarence J. McFadden, while acting as such Judge, had incurred the aforesaid expenses while en route to and from Pioche, Nevada, for the purpose of holding court; whereas, in truth and in fact said Clarence J. McFadden did not at any time of the times mentioned in said claim for expenses go to Pioche, Nevada, nor hold court in Pioche, Nevada, nor preside as such Judge at the hearing of any case or matter at Pioche, Nevada, but on the contrary he visited in Salt Lake City, Utah, during the period aforesaid, to wit, for ten days. That by means of said false and fraudulent claim and representations so made to the State Controller, the said Clarence J. McFadden procured and caused to be issued to him by said State Controller in settlement of said claim, a voucher or check upon the State Treasurer of Nevada, in the said sum of \$78.44, and thereafter said Clarence J. McFadden presented the same to the State Treasurer and was by him paid the said sum of \$78.44.

#### SPECIFICATION C

That the said Clarence J. McFadden, while acting as such Judge, has on different occasions and repeatedly made and issued orders which were illegal, arbitrary, plainly in excess of his jurisdiction, and in contravention of the statutes of this State, as he, the said Clarence J. McFadden, at all such times well knew, more particularly as follows:

That he has repeatedly made appointments of persons as official court reporter of said Ninth Judicial District Court without any previous examination of such persons as required by law, and without requiring any evidence or certificate of their qualifications, as required by law; the names of such persons so unlawfully appointed being W. H. Sheets, Farrel Johnson, Cleora Murdock, and Marie Welsh.

That on July 3, 1922, in disregard of the statutes of this State and of the rules of the Supreme Court thereof, and in plain contravention of such statutes and rules, he made an order admitting one W. H. Venable to practice law, and enrolling him as a member of the bar of his court; the minute entry of said order upon the records of the Ninth Judicial District Court being as follows:

At this time upon the Court's own motion, W. H. Venable, Esq., of Norfolk, Va., who is personally present in court:

IT IS ORDERED, That the said W. H. Venable, Esq., an attorney at law of the State of Virginia, be and he is hereby admitted to practice law before the bar of this the Ninth Judicial District Court of the State of Nevada in and for the county of White Pine.

It is further ordered that the fee for such admission to practice is hereby expressly waived.

#### SPECIFICATION D

That said Clarence J. McFadden, while occupying said official position as Judge, has acted and does act in a tyrannical, discourteous and oppressive manner toward certain members of the bar and litigants who have in some manner incurred his displeasure, more particularly as follows:

That in the month of November, 1922, he made the statement to a member of the bar of his court in substance that he (McFadden) had driven William McKnight and A. L. Haight from the district (meaning the Ely District), and that there were some others that he intended to do the same with; that he has endeavored to drive this affiant out of said district; that on or about November 1, 1922, said McFadden stated on the public streets of Ely, in the presence of at least two witnesses, that he would likewise "eliminate" one G. F. Boreman from said district; said Boreman being a member of the bar of his court, and engaged in the practice of law in Ely for over sixteen years last past.

That said Clarence J. McFadden, while exercising his judicial functions, has from the bench, in open court, repeatedly treated certain members of the bar, then and there appearing before him, in a discourteous and insulting manner and publicly humiliated them; such members of the bar being in particular C. A. Eddy, H. W. Edwards, C. E. Handwright, Charles A. Walker, and this affiant.



That during the hearing of the case of *Changes v. Joudas et al.*, before said Clarence J. McFadden as such Judge, he publicly in open court insulted one of the attorneys for the plaintiff by his language and manner toward him; that said attorney, one B. L. Quayle, gathered together his books and papers and left the courtroom during such hearing; that at the same hearing he likewise insulted the attorney for the defendants, one C. A. Eddy, ordered him to take his seat and refused to hear the argument of said attorney or to allow him to read the authorities which he desired to cite, and subsequently decided said case against said attorney's clients. That said McFadden later apologized to Quayle for his said conduct toward him, but the next day said McFadden entered the office of said Eddy and stated to him in substance: "You God damned——, I had a notion to fine you yesterday."

## SPECIFICATION E

That the said Clarence J. McFadden, while occupying said judicial position, has connived at and actively encouraged violations of the law and does continue so to do, and by his course of conduct has prevented and defeated its enforcement, and thereby has brought dishonor upon his said office and caused the courts of justice to be viewed with contempt by the public and the law to be treated as a jest and byword in the community in which he lives; the particulars thereof being as follows:

That said Clarence J. McFadden, while Judge as aforesaid, has solicited, received and accepted from the officers having it in custody, gifts of intoxicating liquor, to wit, whisky, which had theretofore been seized and confiscated from persons accused of violating the Prohibition Act of this State, and which was then and there being held in the custody of the law by its proper officers.

That the said Clarence J. McFadden, while Judge as aforesaid, has and does openly, frequently and repeatedly visit and patronize places in Ely and in other places where intoxicating liquor is sold in violation of the Prohibition Act of this State and of the Act of Congress known as the Volstead Act (said places being commonly known as "bootleg joints"), and at such places has purchased, been furnished with and has drunk intoxicating liquor on such premises, in contempt of said laws and in the encouragement of the violation thereof.

That the said Clarence J. McFadden, while Judge as aforesaid, on or about the 20th day of December, 1922, and many times prior thereto, having visited one or more of the aforesaid places, was upon the streets of Ely in the daytime in an intoxicated condition, and was seen while in such condition and made the subject of derisive comment.

That the said Clarence J. McFadden, while Judge as aforesaid, on a certain day (the precise date being to affiant unknown) in Ely and in the presence of numerous persons, while he was under the influence of liquor, made certain scandalous remarks and statements concerning the President of the United States, the same being substantially as follows: "He (meaning President Warren G. Harding) is a nigger-loving — — — —; he is part nigger blood and I can prove it."

That the said Clarence J. McFadden, while Judge as aforesaid, on a public street in Ely about the hour of 2 o'clock a. m. of Sunday, October 22, 1922, while under the influence of intoxicating liquor, reviled and abused a citizen of the community, namely, one Phil Aljets, because said Aljets was opposing said McFadden's election to office in the forthcoming election and threatened to strike him (Aljets) with a cane.

## SPECIFICATION F

That the said Clarence J. McFadden, while acting as such Judge, has unlawfully and wilfully interfered with the due administration of justice, and has advised and encouraged the presentation of certain unjust and illegal claims and demands against White Pine County, and has through and by means of his official position as such Judge endeavored to enforce and procure the payment of said unjust and illegal claims and demands out of the public funds of White Pine County, in particular as follows:

That on about the 5th day of March, 1917, in the Ninth Judicial District Court of the State of Nevada, in and for White Pine County, and in and over

which said court the said Clarence J. McFadden as such Judge then and there and at all the times mentioned in this specification was presiding and acting, a grand jury was duly empaneled and sworn. That on or about March 23, 1917, upon the advice of said Clarence J. McFadden given extrajudicially and privately to three certain members of said grand jury, and with the full knowledge, consent and procurement of said Clarence J. McFadden, while so purporting to act as said Judge, said three certain members of said grand jury, claiming to act on behalf of said entire body, made and entered into an illegal and unconscionable contract with a certain detective agency, to wit, The William J. Burns International Detective Agency, Incorporated, for the furnishing by said agency of certain of its detectives to be employed and used by and on behalf of said grand jury, for the ostensible purpose of making investigations of alleged criminal matters and offenses alleged to have occurred in said county, and of seeking to obtain evidence in respect thereof, and of furnishing reports of such investigations to said grand jury for its action thereon.

That pursuant to said illegal and unconscionable contract said detective agency furnished three detectives, who were so employed and engaged in rendering the services aforesaid for the aggregate number of 111 days, and under said contract the amount agreed to be paid for such services and expenses amounted to the sum of \$2,383.90. That thereafter, on or about the 17th day of January, 1918, said Clarence J. McFadden, while acting or purporting to act as such Judge, made and issued an order in writing over his signature as District Judge directing the County Treasurer of White Pine County to pay the sum of about \$2,100 of said amount out of the public funds of White Pine County; that said order was thereupon, with the knowledge and procurement of said Clarence J. McFadden presented to said County Treasurer and payment thereof demanded; that payment thereof was refused by said County Treasurer, who was thereupon threatened with a proceeding for contempt of court by said Clarence J. McFadden unless the said order should be obeyed; but the said County Treasurer nevertheless persisted in such refusal. That subsequently said claim was presented to the Board of County Commissioners of White Pine County for allowance and payment, and the said Clarence J. McFadden as such Judge approved the said claim, and advocated and endeavored to procure the allowance and payment thereof by said board; that this affiant, in writing filed with said board, objected to the allowance and payment thereof and commenced an action in said District Court for an injunction restraining said board from allowing same; that said board thereafter met and rejected said claim. That thereafter said Clarence J. McFadden personally appeared before the Clerk of said Ninth Judicial District Court and demanded that said Clerk issue a writ of execution against said White Pine County for the amount specified in the aforesaid order, to wit, about \$2,100.

That said Clerk refused to issue such writ, and thereupon said Clarence J. McFadden himself prepared a purported writ of execution and entering the vault of the said Clerk's office seized the seal of said court and impressed the same upon said alleged writ. That said Clarence J. McFadden then personally presented said purported writ to the Sheriff of said county and made demand upon him that he, said Sheriff, pay the said sum of \$2,100 specified therein, to him, the said Clarence J. McFadden, out of the public moneys belonging to said county in the hands of said Sheriff; that said Sheriff likewise refused to obey said demand or to make payment of said sum, and the same was not paid.

That by a decision of the Supreme Court of Nevada in the case of The William J. Burns Detective Agency, Incorporated, v. George Doyle, Ed. Millard and E. C. Hair, pending before it, the aforesaid contract was adjudged to be illegal and against public policy, and the aforesaid employment of said detectives on behalf of said grand jury was held to be unlawful and unauthorized by law.

The published accounts of all the last aforesaid matters and acts of said Clarence J. McFadden were printed in the public press and widely commented upon, and have brought shame and disgrace upon said judicial office and said court.



## SPECIFICATION G

That the said Clarence J. McFadden, while acting as such Judge, has wilfully omitted and neglected to sign the court minutes of his said court for many months at a time; that said minutes have not been signed since May 1, 1922, and until January 9, 1923, although he has been repeatedly requested to sign same, in order that the Clerk of Court might furnish attorneys and litigants with proper certified copies thereof.

## SPECIFICATION H

That the said Clarence J. McFadden, while acting as such Judge, has wrongfully and wilfully used his official power to publicly humiliate and bring odium upon reputable citizens of said county, and also by wrongfully and wilfully withholding official action and by refusing to act in his official capacity has knowingly allowed injustice to be done such citizens, and has wilfully, knowingly and officially permitted false, slanderous and libelous charges to be openly and publicly made in his court concerning such citizens, in particular as follows:

That in the month of February, 1921, the grand jury of White Pine County made and presented to said Clarence J. McFadden as such Judge, in open court, a written report of its proceedings, in and by which report the grand jury charged three certain members of the Board of County Commissioners of said county, to wit, John Weber, Willis E. Meyers and Robert L. Tucker, with grafting, with misapplication of the public funds, with knowingly committing dastardly outrages upon the community, and with various other acts of malfeasance and misfeasance in office, and stating that they should be forever barred from holding office anywhere. But said grand jury returned no indictment or presentment against any person for or on account of any of said matters or charges. That the aforesaid charges purported to be based upon certain figures and items of expenditure which were set forth in said report.

That affiant is informed and believes and alleges the fact to be that said report was submitted to said Clarence J. McFadden in chambers before being presented and filed in open court, and that he read over and approved of same. That within twenty-four hours after said report was presented in court, the County Auditor of said county informed said Clarence J. McFadden that the aforementioned figures and items of expenditures on which said report was based were grossly inaccurate and excessive, and he requested that said Clarence J. McFadden, as such Judge, recall said grand jury for the purpose of correcting its report in that respect; that said McFadden refused to do so.

That thereafter said three members of said Board of Commissioners in writing requested said Clarence J. McFadden to reconvene said grand jury and to direct it to indict said members of said board if the grand jury had evidence of the crimes so charged by it, or otherwise to retract the charges and to apologize to said members for the wrong inflicted; that at said times said three members did not know of the inaccuracies in said figures in said report. That said Clarence J. McFadden thereafter recalled said grand jury, but did not call their attention to the aforesaid inaccuracies and incorrect figures in their report, but allowed said report to stand as submitted.

That subsequently in the case of R. T. Swallow v. A. A. Sherman and A. Jurich, a libel suit arising out of and by reason of the said report and the published comments of said defendants thereon (which suit was tried before another Judge than the said Clarence J. McFadden) after a full, complete and thorough investigation, lasting for six days, before a jury, of all the said matters and charges in said grand jury report, the aforesaid inaccuracies and excessiveness in said figures in said report were fully disclosed, and the falsity of said charges contained in said report was completely and conclusively established by a verdict of the jury in said cause.

## SPECIFICATION I

That the said Clarence J. McFadden, while acting as such Judge, has wilfully delayed the administration of justice in his said court, and has withheld



his official action upon matters submitted to him for decision, for reasons of personal friendship and for political ends, in particular as follows:

That one Hugh Wilson and one James McDonough are and have been for several years past close personal friends and associates of said Clarence J. McFadden, as well as his political advisers.

That said Hugh Wilson is and has been for years a notorious "pimp" and proprietor of a large number of houses of prostitution in the redlight district of Ely, and living with the landlady of a place of like character in East Ely; that said James McDonough is likewise the proprietor of a house used for a similar purpose in said redlight district.

That in May, 1922, an action was commenced in said Ninth Judicial District Court of the State of Nevada, by the State of Nevada as plaintiff, on the relation of Leonard B. Fowler, Attorney-General, through one G. F. Boreman, as his deputy, against said Hugh Wilson, James McDonough, and numerous other defendants, for the abatement of said houses of prostitution as public nuisances.

That to the complaint therein a demurrer was filed by said Wilson and certain other defendants, and on June 12, 1922, said demurrer was argued before said Clarence J. McFadden, as presiding Judge, and submitted to and taken under advisement by him. That more than six months have elapsed, and no decision has been rendered in said matter, but the said Clarence J. McFadden has willfully delayed making a decision therein, and the term of office of said Attorney-General has expired, and with it the appointment of his said deputy has lapsed. That said delay is in direct violation of the spirit, if not the letter, of the statutes of this State to prevent unnecessary delay in rendering judicial decisions (Statutes of Nevada of 1913, p. 313).

That on November 18, 1922, said Clarence J. McFadden without the consent of counsel, and without authority or jurisdiction, and in violation of the provisions of said statute, ordered a resubmission of said matter on briefs, although the said Attorney-General had filed his brief thereon on June 12, as said McFadden well knew; and affiant alleges that said order was made for the purpose of occasioning further delay in said cause, and to ostensibly excuse the want of official action on the part of said Clarence J. McFadden therein, and to postpone further proceedings in said cause until the terms of office of said Attorney-General and his deputy should expire.

That said Clarence J. McFadden was a candidate for reelection to said office of Judge at the general election on November 7, 1922, and said Wilson and McDonough were active workers, supporters and advisers of said McFadden in his campaign for election; that a large number of voters were residing in said redlight district, in the houses owned by the defendants in said abatement suits; that by reason of the arguments and persuasions of said Wilson and McDonough used upon said voters relative to the effect of said abatement suit, they were successful in securing for said McFadden the votes of practically all such residents in said district.

#### SPECIFICATION J

That said Clarence J. McFadden, while acting as such Judge, has interfered with the administration of justice and with the execution of the law, and through motives of personal friendship has attempted to influence and interfere with the officers of the law, in particular as follows:

That one Vito La Conte is and has been for a long time past a personal friend of Clarence J. McFadden, and at the time hereinafter mentioned said La Conte was engaged in running an alleged soft-drink parlor in Riepetown, in said county; that in the month of December, 1922, the Sheriff of said county, having information of certain unlawful practices being carried on in said place, made a raid upon the same and found an unlawful gambling game, to wit, twenty-one, being conducted and in progress in said place; that said Sheriff arrested the person who was conducting said game, and also seized the gambling paraphernalia with which said gambling game was being conducted. That thereupon said La Conte appealed to said Clarence J. McFadden personally to secure the release of said paraphernalia or some portion of said property so seized; that said Clarence J. McFadden thereupon went to said Sheriff personally, and endeavored to secure on behalf of said La Conte the

release of some part or portion of the property so seized, and protested against the said action of the Sheriff in seizing same. That no proceeding or action in relation to said matter or to said seizure was pending before said Clarence J. McFadden, as such Judge, at said time.

WHEREFORE, your complainant and petitioner prays that this body take such action as it deem just and proper in the premises.

ANTHONY JURICH,

*Complainant.*

STATE OF NEVADA, County of Ormsby, ss.

Anthony Jurich being first duly sworn deposes and says: That he is the complainant and petitioner mentioned in the foregoing complaint and petition: that he has read the said complaint and petition and knows the contents thereof, and that the same is true of his own knowledge except as to matters therein stated on information or belief and as to those matters he believes it to be true.

ANTHONY JURICH.

Subscribed and sworn to before me, this 15th day of February, 1923.

WM. KENNETT,

*Clerk, Supreme Court, Nevada.*

[SEAL.]

On motion of Mr. Jurich, duly seconded and carried, petition was referred to Committee on Judiciary.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bills Nos. 50, 76, 81, and 90 under consideration, and begs leave to report favorably on the same, with the recommendation that the same do pass.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 94, 95, 96, 97, 98, 99, 100, 102, 105, 106, and 107, and Joint Resolution No. 9, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 63, which passed the Senate, as amended, February 13, 1923, by the following vote: Yeas, 17; nays, none.

Also, to present for your consideration Senate Bill No. 64, which passed the Senate as amended—Yeas, 17; nays, none.

Also, to advise your honorable body that the Senate, on February 14, 1923, refused to concur in the amendments offered by the Assembly to Senate Bill No. 7.

I have the honor herewith to return to your honorable body Assembly Bill No. 27, which passed the Senate, as amended, by the following vote: Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

Mr. Speaker appointed a committee of three, consisting of Mr. Hussman, Miss Gosse, and Mr. Jurich, to meet with a like committee from the Senate for the purpose of considering the amendments offered by the Assembly to Senate Bill No. 7.

On motion of Mr. Love, duly seconded, the Assembly concurred in amendments as offered by the Senate to Assembly Bill No. 27.



## INTRODUCTION AND FIRST READING

Messrs. Addenbrooke, Tandy, Houlahan, Whiteley, Love, Henrichs, and Patterson were granted leave to introduce bills without previous notice.

By Mr. Addenbrooke:

Assembly Bill No. 111—An Act amendatory of and supplemental to an Act entitled "An Act providing for interstate and intrastate quarantine with respect to domestic animals and other live stock, poultry, bees, and agricultural and horticultural crops, products, seeds, plants, trees or shrubs, or any article infected with, or which may have been exposed to, infectious, contagious or destructive disease, or infested with parasites, or insect pests, or the eggs or larvæ thereof, dangerous to any industry in the State; and other matters relating thereto," approved March 31, 1913, as amended March 24, 1915.

On motion of Mr. Addenbrooke, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Agriculture.

By Mr. Henrichs:

Assembly Bill No. 112—An Act to authorize the State Sealer of Weights and Measures to fix and promulgate standards for all kinds of agricultural products and containers thereof; to make rules and regulations for carrying out the provisions of this Act; to provide penalties for the violation of any of the provisions of this Act or any rules or regulations made thereunder; to employ the necessary inspectors and assistants to carry out the provisions of this Act, and making an appropriation for the carrying out of this Act.

On motion of Mr. Henrichs, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Agriculture.

By Mr. Love:

Assembly Bill No. 113—An Act relating to the purchase of hides, and providing a penalty for the violation thereof, and other matters relative thereto.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

By Mr. Whiteley:

Assembly Bill No. 114—An Act to amend section 1 of an Act entitled "An Act to provide for the establishment of evening schools," approved March 24, 1917, as amended March 22, 1921.

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

By Mr. Tandy:

Assembly Bill No. 115—An Act to amend an Act entitled "An Act providing for a license for the operation of motors and vehicles, and other matters relating thereto," approved March 22, 1921.



On motion of Mr. Tandy, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

By Mr. Houlahan:

Assembly Bill No. 116—An Act to amend section 27 of an Act entitled "An Act relating to the compensation of injured workmen in the industries of this State and the compensation of their dependents where such injuries result in death, creating an Industrial Insurance Commission, providing for the creation and disbursement of funds for the compensation and care of workmen injured in the course of employment, and defining and regulating the liability of employers to their employees; and repealing all Acts and parts of Acts in conflict with this Act," approved March 15, 1913; and as amended by an Act approved March 22, 1915, and as amended by an Act approved March 27, 1917; and as amended by an Act approved March 28, 1919.

On motion of Mr. Houlahan, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

By Elko County Delegation:

Assembly Bill No. 117—An Act to amend section 4 of an Act entitled "An Act fixing the compensation of the county officers of the county of Elko, Nevada, and repealing all Acts and parts of Acts in conflict herewith," approved March 23, 1917.

On motion of Mr. Patterson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Geraghty, Henderson, and Murphy, who were excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 83, 104, 108, 109, and Joint Resolutions Nos. 8 and 10, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 20, 56, 32, and 29, with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

Webster Patterson, *Chairman.*

*Mr. Speaker:*

The Ormsby County Delegation has had Assembly Bill No. 105 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. G. Meyers, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 41, which this day passed the Senate, as amended, by the following vote: Yeas, 13; nays, 4.

Also, Senate Bill No. 42, which passed—Yeas, 15; nays, 2.

Also, Senate Substitute for Senate Bill No. 18, which passed as amended—Yeas, 17; nays, none.

Also, Senate Joint Resolution No. 6, which passed as amended—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

## MOTIONS AND RESOLUTIONS

By Mr. Marsh:

Assembly Concurrent Resolution No. 5, relative to appointing a committee to investigate and make a survey of the counties of the State with a view to a reduction of the number of the same and to report thereon:

WHEREAS, In the interest of economy, it is deemed expedient to curtail expenses in the operation and functioning of every department of the State, including the expense of numerous county governments; and

WHEREAS, This State is now divided into seventeen distinct counties, each of which has a full quota of county officers, including County Commissioners, Sheriff, Auditor, Recorder, Treasurer, District Attorney, and Public Administrator; and

WHEREAS, Some of the said counties contain less than three thousand inhabitants; and

WHEREAS, The expense of county governments is constantly increasing; and

WHEREAS, In these days of motor vehicles, communication with the county-seat by residents of each county is much more convenient than it was fifty years ago when the various counties were established; and

WHEREAS, A great saving of public money could be effected by reducing the number of counties to not more than seven by consolidation of different counties; now, therefore, be it

*Resolved*, That a committee of three be appointed by the joint action of the President of the Senate and Speaker of the Assembly; that said committee shall consist of not more than two members of the same political faith; that it shall be the duty of the said committee to investigate the present division of the various counties of this State with a view to the rearrangement of the area of the State so not more than seven counties be made thereof, and that said committee be appointed upon the adoption of this resolution and report its findings to the legislative session of 1925.

On motion of Mr. Marsh, duly seconded and carried, resolution referred to Committee on Judiciary, and ordered printed.

On motion of Mr. Jurich, duly seconded, the complaint against Clarence J. McFadden was referred to Committee on Judiciary, and ordered printed.

## INTRODUCTION AND FIRST READING

Mr. Davison was granted leave to introduce a bill without previous notice.

By Mr. Davison:

Assembly Bill No. 118—An Act to amend an Act entitled "An Act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or by any express or transportation company; compelling each



employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or any other agent of any such employer to violate the provisions of this Act," approved February 14, 1917.

On motion of Mr. Davison, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

Senate Bill No. 63—An Act concerning mortgages of personal property, providing for their recordation, and other matters relating thereto, and repealing all Acts or parts of Acts in conflict herewith.

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

Senate Bill No. 64—An Act to amend section 1 of an Act entitled "An Act to provide a fee bill for the office of Secretary of State," approved March 24, 1913, as amended March 22, 1921.

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

Senate Bill No. 41—An Act to accept on behalf of the State of Nevada the provisions of an Act of Congress entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, creating and designating an agency to cooperate with the Children's Bureau in carrying out the provisions of said Act, and other matters relating thereto.

On motion of Mr. Jurich, 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. 42—An Act ratifying the acceptance by the Governor of the State of Nevada of an Act of Congress entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy," approved November 23, 1921.

On motion of Mr. Swanson, 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 Substitute for Senate Bill No. 18—An Act to provide for the protection and preservation of certain food and game fishes; defining certain terms; repealing all Acts or parts of Acts in conflict herewith; providing penalties for violations of this Act, and other matters relating thereto.

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



Senate Joint Resolution No. 6, relative to the silver mining industry.

On motion of Mr. Whiteley, rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Mines and Mining.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 68.

On motion of Mr. Nelson, duly seconded and carried, Senate Bill No. 68 was rereferred to Committee on Corporations and Railroads.

Senate Substitute for Senate Bill No. 17.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hays, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Towle, Whitesides, Whitmore, and Yeager—28.

NAYS—None.

Absent—Geraghty, Henderson, and Murphy—3.

Not voting—Hayes, Houlahan, Marsh, Tandy, Whiteley, and Mr. Speaker—6.

Mr. Speaker declared that Senate Substitute for Senate Bill No. 17, having received a constitutional majority, was passed.

Senate Bill No. 31.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Long.

Absent—Geraghty, Henderson, and Murphy—3.

Not voting—Mr. Speaker.

Assembly Bill No. 72.

On motion of Mr. Long, duly seconded and carried, Assembly Bill No. 72 was rereferred to Committee of the Whole.

Assembly Bill No. 49.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 49 was referred to Committee of the Whole.

Assembly Bill No. 46.

On motion of Mr. Addenbrooke, duly seconded and carried, Assembly Bill No. 46 was referred to Committee of the Whole.

Senate Bill No. 51.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Geraghty, Henderson, Kennedy, and Murphy—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 51, having received a constitutional majority, was passed.

## Assembly Bill No. 25.

## Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—33.

NAYS—None.

Absent—Geraghty, Henderson, Kennedy, and Murphy—4.

Assembly Bill No. 25, having received a constitutional majority, was declared passed.

## Assembly Bill No. 45.

## Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Geraghty, Henderson, Kennedy, and Murphy—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 45, having received a constitutionality majority, was passed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly adjourned until Friday, February 16, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE THIRTY-THIRD DAY

CARSON CITY (Friday), February 16, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

Mr. Speaker announced that he and the President of the Senate, acting on Senate Joint Resolution No. 3, relative to the appointing of a committee to investigate and make a survey of the Judicial Districts of the State of Nevada, had appointed Senator Fitzgerald, Mr. Charles S. Chandler, and Mr. Geo. S. Brown to act as such committee.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

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

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

Your Committee on Roads and Highways has had Assembly Bills Nos. 58 and 93 and Assembly Joint Resolution No. 9 under consideration, and begs leave to report favorably on the same, with the recommendation that the same do pass.

H. J. LONG, *Chairman.*

*Mr. Speaker:*

Your Committee on Live Stock has had Assembly Bill No. 34 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the amendments herewith submitted.

H. E. LOVE, *Chairman.*

*Mr. Speaker:*

Your Committee on Claims has had Assembly Bill No. 79 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

J. D. YEAGER, *Chairman.*

*Mr. Speaker:*

The Lyon County Delegation has had Assembly Bill No. 89 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

LYON COUNTY DELEGATION.

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate on February 15, 1923, appointed a Conference Committee, consisting of Senators Chapin, Cowles, and Scott, to confer with your like committee.



Also, to present for your consideration Senate Bill No. 55, which passed the Senate, as amended, by the following vote: Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,  
*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 55—An Act to designate and authorize the work to be done at the State Printing Office; creating a Board of Printing Control, designating the members thereof, and defining the duties of this board; and repealing all Acts and parts of Acts in conflict with this Act.

On motion of Mr. James, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Printing.

By Mr. Yeager:

Assembly Bill No. 119—An Act to amend section 3 of an Act entitled "An Act to reaffirm 'An Act to accept the benefits of an Act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, to provide for the promotion of vocational education, approved February 23, 1917,' approved March 24, 1917," approved March 25, 1919.

On motion of Mr. Yeager, 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.

#### MOTIONS AND RESOLUTIONS

On motion of Mr. Nelson, duly seconded and carried, Senate Bill No. 68 was placed at top of file.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 68.

The Committee on Corporations and Railroads offered the following amendment: On page 1, lines 3, 4, and 5, strike the following: "has in ten successive years failed to pay dividends amounting in all to 5 per cent of its outstanding capital, or."

On motion of Mr. Nelson, the amendment was adopted.

Roll-call on Senate Bill No. 68, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, March, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—James.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 68, having received a constitutional majority, was passed.

Assembly Bill No. 105.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Laing, Love,

Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Houlahan and Long—2.

Not voting—Keough and Mr. Speaker—2.

Assembly Bill No. 105, having received a constitutional majority, was declared passed.

Assembly Bill No. 90.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Long.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 90, having received a constitutional majority, was passed.

Senate Bill No. 50.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Henderson, Henrichs, Houlahan, James, Jurich, Love, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Stites, Whiteley, Whitesides, Whitmore, and Yeager—24.

NAYS—None.

Absent—Long.

Not voting—Geraghty, Hays, Hussman, Kennedy, Keough, Laing, Nelson, Robb, Swanson, Tandy, Towle, and Mr. Speaker—12.

Mr. Speaker declared that Senate Bill No. 50, having received a constitutional majority, was passed.

Assembly Bill No. 81.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Long.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 81, having received a constitutional majority, was passed.

Assembly Bill No. 76.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Long.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 76, having received a constitutional majority was passed.

On motion of Mr. Geraghty, duly seconded and carried, Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 101, 103, 110, 111, 112, 113, 114, 115, 116, 117, 118, and Resolution No. 5, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman*.

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bills Nos. 94, 95, 107, and 109, and Senate Bill No. 14, under consideration, and begs leave to report favorably on same, with the recommendation that the same do pass.

Also, Assembly Bills Nos. 55 and 106, and reports favorably on the same, with the recommendation that they do pass with amendments submitted for each bill.

W. M. Kennedy, *Chairman*.

*Mr. Speaker:*

Your Committee on Federal Relations has had Assembly Joint Resolution No. 10 under consideration, and begs leave to report favorably on the same, with the recommendation that it be adopted.

A. S. Henderson, *Chairman*.

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have herewith the honor to present for the consideration of your honorable body Senate Bill No. 52, which this day passed the Senate—Yeas, 15; nays, none; absent, 2.

Also, Senate Bill No. 53, which this day passed—Yeas, 15; nays, none; absent, 2.

Also, to return to your honorable body Assembly Bill No. 38, which this day passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 64, which this day passed—Yeas, 15; nays, none; absent, 2.

Also, to return Assembly Joint Resolution No. 5, which this day passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Joint Resolution No. 17 of the Thirtieth Session, which this day passed—Yeas, 15; nays, none; absent, 2.

Also, to present for your consideration Senate Bill No. 48, which this day passed—Yeas, 15; nays, none; absent, 2.

Also, Senate Bill No. 49, which this day passed—Yeas, 14; nays, 1; absent, 2.

Vivian Rickey,

*Assistant Secretary of the Senate.*

## MOTIONS AND RESOLUTIONS

By Mr. Jurich:

Assembly Concurrent Resolution No. 5, appointing an investigation committee:

WHEREAS, Charges of malfeasance, nonfeasance and misfeasance have been



made and filed against Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada; and

WHEREAS, It is the duty of the Legislature to investigate said charges; therefore, be it

*Resolved by the Assembly, the Senate concurring,* That the Judiciary Committee of the Assembly, together with a committee of three from the Senate to be appointed by the President thereof, shall investigate fully and completely said charges and shall have power and authority to do any and all things which they may find necessary and proper in making said investigation.

On motion of Mr. Jurich, duly seconded, the resolution was adopted.

#### INTRODUCTION AND FIRST READING

By Lyon County Delegation:

Assembly Bill No. 120—An Act providing for the division of Lyon County, Nevada, into educational districts, and providing for the government of the schools therein.

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

By Mr. Stites:

Assembly Bill No. 121—An Act requiring the marking of waters held in private ownership.

On motion of Mr. Stites, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

By Mr. Stites:

Assembly Bill No. 122—An Act requiring the marking of isolated tracts of land held in private ownership.

On motion of Mr. Stites, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

By Storey County Delegation:

Assembly Bill No. 123—An Act regulating the salaries of the officers of Storey County, State of Nevada.

On motion of Mr. James, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Storey County Delegation.

Senate Bill No. 48—An Act to provide for the payment of deficiencies of the various state institutions and departments accrued during 1921 and 1922.

On motion of Mr. Laing, 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. 49—An Act for the relief of the Carson Valley Bank.

On motion of Mr. Laing, 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. 52—An Act to repeal "An Act to provide for obtaining correct statements of the financial conditions of the several

counties of the State, and other matters of statistical information," approved February 26, 1873.

On motion of Mr. James, 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. 53—An Act to repeal an Act entitled "An Act concerning the office of Surveyor-General," approved March 20, 1865.

On motion of Mr. James, 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. Meyers, duly seconded and carried, special order on Senate Bill No. 2, set for Tuesday, February 20, 1923, was vacated and Senate Bill No. 2 placed at top of file for immediate action.

Senate Bill No. 2 was read in full with the veto message, which was as follows:

*To the Honorable the Senate:*

I am constrained to return herewith, without my approval, Senate Bill No. 2 entitled "An Act to repeal an Act entitled 'An Act to prohibit the manufacture, sale, keeping for sale, and gift, of malt, vinous and spirituous liquors, and other intoxicating drinks, mixtures or preparations, making the Superintendent of the Nevada State Police ex officio Commissioner of Prohibition, and defining his duties; and providing for the enforcement of this Act, and prescribing penalties for the violation thereof,' enacted pursuant to direct vote of the people, general election, November 5, 1918."

I am informed that bills have been, or will be, introduced in the Assembly, the enactment of which will have the same effect as Senate Bill No. 2 in so far as the elimination of the unsatisfactory features of our present state prohibition law is concerned and which will at the same time retain a state prohibition law upon our statutes.

Even by implication the State should not lightly surrender its sovereign right to regulate its own domestic affairs.

It therefore seems preferable that, before repeal of our present prohibition law, legislation be first enacted to retain state prohibition in a form which is in accord with the terms of the National Prohibition Act.

Respectfully,

J. G. SCRUGHAM, *Governor*.

Senate Bill No. 2—An Act to repeal an Act entitled "An Act to prohibit the manufacture, sale, keeping for sale, and gift, of malt, vinous and spirituous liquors, and other intoxicating drinks, mixtures or preparations, making the Superintendent of the Nevada State Police ex officio Commissioner of Prohibition, and defining his duties; and providing for the enforcement of this Act, and prescribing penalties for the violation thereof," enacted pursuant to direct vote of the people, general election, November 5, 1918.

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

Roll-call on Senate Bill No. 2:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, and Yeager—29.

NAYS—Addenbrooke, Henderson, Houlahan, Martin, Miller, Tandy, and Whitmore—7.

Not voting—Mr. Speaker.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly adjourned until Monday, February 19, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE THIRTY-SIXTH DAY

CARSON CITY (Monday), February 19, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Long, who was excused.

Invocation by Rev. Father Murphy.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 27, 38, and 64, and Assembly Joint Resolutions Nos. 17 and 5, with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 116 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

MARTIN P. GERAGHTY, *Chairman.*

*Mr. Speaker:*

Your Committee on Elections has had Senate Bill No. 56 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

C. E. WHITESIDES, *Chairman.*

### MESSAGES FROM THE GOVERNOR

*To the Honorable the Assembly:*

For your information I herewith attach copy of an opinion rendered by the Attorney-General relating to the constitutionality of Assembly Bill No. 64, entitled "An Act to make the provisions of the National Prohibition Act of the United States of America the law of the State of Nevada; and to repeal an Act entitled 'An Act to prohibit the manufacture, sale, keeping for sale, and gift, of malt, vinous and spirituous liquors, and other intoxicating drinks, mixtures or preparations, making the Superintendent of the Nevada State Police ex officio Commissioner of Prohibition, and defining his duties; and providing for the enforcement of this Act, and prescribing penalties for the violation thereof,' enacted pursuant to direct vote of the people, general election, November 5, 1918; and an Act entitled 'An Act prohibiting the sale, furnishing, giving away, or having in possession, of any intoxicating drinks; defining the same; making the Superintendent of the Nevada State Police ex officio Commissioner of Prohibition and defining his duties; prescribing penalties for the violation of this Act and providing for the enforcement of the same,' approved April 1, 1919; and to repeal all Acts in conflict herewith; and other matters connected therewith."

This Act was transmitted to me for consideration on Friday, February 16, 1923. Under constitutional provision this measure may remain in my hands without action for five days (Sundays excepted), which period of time will give you opportunity to take such action in the matter as you may deem proper before the bill becomes a law.

J. G. SCRUGHAM, *Governor.*

February 17, 1923.

HON. J. G. SCRUGHAM, *Governor, Carson City, Nevada.*

MY DEAR GOVERNOR: I have your request for an opinion as to the constitutionality of Assembly Bill No. 64.

The title of this Act provides: "An Act to make the provisions of the National Prohibition Act of the United States of America the law of the State of Nevada; and to repeal an Act entitled 'An Act to prohibit the manufacture, sale, keeping for sale, and gift, of malt, vinous and spirituous liquors, and other intoxicating drinks, mixtures or preparations, making the Superintendent of Nevada State Police ex officio Commissioner of Prohibition, and defining his duties; and providing for the enforcement of this Act, and prescribing penalties for the violation thereof,' enacted pursuant to direct vote of the people, general election, November 5, 1918; and an Act entitled 'An Act prohibiting the sale, furnishing, giving away, or having in possession, of any intoxicating drinks; defining the same; making the Superintendent of the Nevada State Police ex officio Commissioner of Prohibition and defining his duties; prescribing penalties for the violation of this Act and providing for the enforcement of the same,' approved April 1, 1919; and to repeal all Acts in conflict herewith; and other matters connected therewith."

## I

Section 1 "adopts the penal provisions of the Volstead Act" and imposes the duty of enforcing the same on Sheriffs, peace officers, etc.

Section 2 recites that "all acts or omissions declared unlawful by the Eighteenth Amendment to the Constitution of the United States or by the Volstead Act are prohibited and declared to be unlawful"; and, further, that violations thereof are subject to the penalties provided in the Volstead Act.

Section 3 recites that "whenever Congress shall amend or repeal the Volstead Act, or enact any other law to enforce the Eighteenth Amendment to the Constitution of the United States, then the provisions of sections 1 and 2 of this Act shall apply."

Section 4 provides that "all fines and forfeitures collected under any ordinance \* \* \* shall be paid into the treasury of the city whose ordinance is violated."

Only such portions of the provisions of this Act have been quoted as are deemed essential for a determination of the questions involved.

## TITLE OF THE ACT

Eliminating that portion of the title of the Act which repeals existing statutes, the title states: "An Act to make provisions of the National Prohibition Act of the United States of America the law of the State of Nevada."

The body of the Act reveals an intent to adopt the provisions of the Volstead Act, confer jurisdiction upon the courts of this State in cases of violation thereof; and impose upon District Attorneys and peace officers the duty of the enforcing of the same. No mention, or even hint, of any such enactment is contained in the title of this bill.

This Act, with the exception of the title, is an exact duplication of what is known in the State of California as the Wright Act. It will be noted that the title of the Wright Act provides: "An Act to enforce the provisions of Article 18 of the Amendments to the Constitution of the United States; prohibiting all acts or omissions prohibited by the Volstead Act; imposing duties on courts, Prosecuting Attorneys, Sheriffs and other officers and extending their jurisdiction; and providing for the disposition of fines and forfeitures."



The difference in the title of the Nevada and California Acts is very apparent. The title of the latter Act sets forth:

*First*—That it is to enforce the provisions of Article 18 of Amendments to the Constitution of the United States.

*Second*—To prohibit all acts or omissions prohibited by the Volstead Act.

*Third*—Imposing duties on courts, Sheriffs, District Attorneys, etc., and extending their jurisdiction.

*Fourth*—Providing for the disposition of fines and forfeitures.

The Nevada Act falls far short in its title of expressing the subject-matter contained in the body of the bill.

Section 17, Article 4, of the Constitution of the State of Nevada, provides: "Each law enacted by the Legislature shall embrace but one subject and matters properly connected therewith, which subject shall be briefly embraced in the title. \* \* \*"

The title of Assembly Bill No. 64 discloses a purpose to enact a measure which would extend the jurisdiction of the Act of Congress to the State of Nevada. This, of course, is an idle thing and a mere work of supererogation. One in reading the title would conclude that its purpose was simply to concede that the State of Nevada is a part of the United States and subject to the laws of Congress. It is hardly necessary to state the provisions of the Constitution of the United States, under Article 6 of Section 2: "The Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land and the judges of every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

As was said by the Supreme Court of Pennsylvania, in the case of *Commonwealth v. Sweeney*, 61 Pa. Sup. Ct. 367, 373: "Now an Act of the Federal Congress is a law. Where its terms are applicable, it is as much the law of Pennsylvania as it is of Maine or California."

Construing the words in this title in their broadest sense, the conclusion is inevitable that, from the title of the bill, the Legislature was attempting to enact a measure which had for its purpose the application in and within the State of Nevada the provisions of the national prohibition law.

This in itself would be a measure without life or meaning, unless, in addition thereto, further provisions were enacted seeking to enforce the same, imposing duties for enforcement upon peace officers, and extending the jurisdiction of courts in reference to violations thereof.

If the intent of the Legislature was to enact a law similar in all respects to the Act of Congress, but based upon the lawmaking power of this State, fit words might have been chosen in the title to have expressed this purpose.

Again, the title of this bill simply refers to the national prohibition law and makes the provisions thereof the law of this State.

Our Constitution declares, in reference to the title of the Act, that "the subject shall be expressed in the title," and it cannot be said that this has been done when the title does no more than furnish a reference to the national prohibition law, and from which by search the true purpose of the title may be ascertained. As was said by the Supreme Court of Texas, in the case of *Gunter v. The Texas Land and Mortgage Co.*, 17 S. W. 840: "The body of a bill would furnish more ready means of information to members of the Legislature as to its subject than would a mere reference in a title to some other law which it was the purpose of a bill to adopt or amend. No one would contend that a title as follows: 'An Act to amend an Act in reference to the subject contained in the bill to which this is the title'—would be a compliance with the Constitution."



It is, therefore, my opinion that the title to Assembly Bill No. 64 is contrary to the provision of section 17 of article 4 of the Constitution of the State of Nevada, in that the subject-matter embodied in the bill is not expressed in the title.

## II

Section 3 of this bill provides: "Nevada hereby recognizes that its power to enforce the Eighteenth Amendment to the Constitution of the United States should at all times be exercised in full concurrence with the exercise of the like power of Congress; and to that end, whenever Congress shall amend or repeal the Volstead Act or enact any other law to enforce the Eighteenth Amendment to the Constitution of the United States, then the provisions of sections 1 and 2 of this Act shall apply thereto."

This section vests Congress with the power to write laws upon the statute-books of Nevada and make the same binding and obligatory upon the people of this State and is a power that cannot be exercised, for the reason that it is a delegation of legislative power by the Legislature of Nevada to Congress.

The provisions of section 3 constitute and is in effect an unconditional surrender of the autonomy of the State to the Federal Government. Section 1 of article 4 of the Constitution provides: "The legislative power of this State shall be vested in the Senate and Assembly which shall be designated the Legislature of Nevada."

In the case of *Merchants v. Knott*, 111 S. E. 565, at page 571, the Court said: "We are of the opinion that the power to bind and loose, to inaugurate and suspend the operation of a law, to say where and when it is a law, is, of necessity, an inherent and integral part of the lawmaking power not to be delegated."

In the case of *Davenport v. Elwood*, 107 N. W. 833, the Court said:

"One of the settled maxims in constitutional law is that power conferred upon the Legislature to make laws cannot be delegated by that department to any other body or authority."

Section 3 further provides that any amendments made by Congress to the Volstead Act shall, by virtue thereof, be adopted and applied under sections 1 and 2 of this Act. This violates section 17, article 4, of the Constitution of the State of Nevada, in that it attempts to amend an Act without reenacting and publishing at length its provisions. Further, it is an attempt to adopt prospectively laws which may be enacted by the Congress of the United States, and, as was said by the Court in the case of *Moore v. Allen*, 30 Ky. 651: "It is a fundamental rule that we cannot adopt prospectively any law that might be passed by a foreign lawmaking body, because this would enable the foreign lawmaking body to write statutes upon our books."

## III

Inasmuch, therefore, as section 3 of the provisions of this Act is, in my opinion, unconstitutional, the question necessarily arises: What effect would this have upon the other provisions of the bill?

It must be remembered that section 6 of the bill provides: "Should any section or any portion of any section of this Act be found unconstitutional, the remainder shall continue in full force and effect, it being expressly declared that such is the intention."

The Legislature in enacting this measure has provided that all amendments made by the Congress of the United States should, by operation of section 3, be applicable in so far as the enforcement of the prohibition law in Nevada is concerned. There is herein expressed an intent by the lawmakers to enable Nevada to operate "in full concurrence" with the Congress in the enforcement of the Eighteenth Amendment.

No other construction can be placed upon the Act. This intent is apparent: Were this not the intent, it would not be so expressed and furthered by every step in the Act.

Were there a mere desire to employ the machinery of our State to enforce the provisions of the Eighteenth Amendment, this could be done by very different means than those employed in the Act.

A new law could be adopted by our Legislature absolutely independent of the Act of Congress.

In the law the same acts or omissions could be punished by the same penalties as prescribed by the Act of Congress.

But, if it were the intention of our lawmaking body to act independently and not in "full concurrence" with Congress, why did our lawmakers provide in the Act for our law paralleling that of Congress, keeping abreast of amendments, dying with a repeal of the congressional Act and adopting any new laws of Congress?

None of these things were or are necessary if a different intent is to prevail.

Cooley, in his able work on Constitutional Limitations, says:

"But if its purpose is to accomplish a single object only, and some of its provisions are void, the whole must fail unless sufficient remains to effect the object without the aid of the invalid portion, and if they are so mutually connected with and dependent on each other, as conditions, considerations, or compensations for each other, as to warrant the belief that the Legislature intended them as a whole, and if all could not be carried into effect the Legislature could not pass the residue independently, then, if some parts are unconstitutional, all the provisions which are thus dependent, and conditional, or connected must fall with them."

So it will be seen that the rule we must invoke in placing a construction upon a statute in an effort to determine the effect of an invalid portion of the same Act is, that if the purpose is to accomplish a single object and some of the provisions are void, the whole must fail, if they are so mutually connected with and dependent on each other, as conditions, considerations or compensations for each other as to warrant a belief that the Legislature intended them as a whole.

"The rule applicable to this point is forcibly stated by Chief Justice Shaw in *Warren v. Mayor of Charlestown*, 2 Gray, 98, who, after stating the general proposition that some portions of a statute may be held to be constitutional, while another portion may be pronounced void, and that in certain cases the valid portion may stand and the other be rejected, proceeds to say that 'this must be taken with this limitation, that the parts, so held respectively constitutional and unconstitutional, must be wholly independent of each other. But if they are so mutually connected with and dependent on each other, as conditions, considerations, or compensations for each other, as to warrant a belief that the Legislature intended them as a whole, and that, if all could not be carried into effect, the Legislature would not pass the residue independently, and some parts are unconstitutional, all the provisions which are thus dependent, conditional, or connected, must fall with them.' This case was quoted with approval in *French v. Tescemacher*, 24 Cal. 548; and doubtless states the law correctly. Tested by this rule, the whole of section 3698 was void per se." *Wills v. Austin*, 53 Cal. 152, p. 179.

"The insuperable difficulty with the application of that principle of construction to the present instance is that by rejecting the exceptions intended by the Legislature of Georgia, the statute is made to enact what confessedly the Legislature never meant. It forces upon the statute a positive operation beyond the legislative intent,



and beyond what any one can say it would have enacted in view of the illegality of the exceptions."

The conclusion must follow that it was not the purpose of the Legislature to forever bind the people of this State with the provisions of the national prohibition law as it now exists, but, on the contrary, to make this enactment in reference to prohibition not positive and rigid, but it was desired to submit to the will of Congress the right to regulate in reference to this measure; to have the advantage of such change as may be adopted in making more liberal provisions. This, being true, the removal of section 3, supra, by reason of its unconstitutionality, thereby eliminates what might be termed its elasticity, with the result that what remains of the Act would make the provisions positive and beyond the intent which the Legislature had in mind.

It is true the bill contains a saving clause, but the provisions of the saving clause are repugnant to the intent expressed in the Act, and, by reason of their repugnancy, would be inoperative.

#### IV

There is serious doubt as to whether or not the provisions of this Act are not violative of the due-process clause of the Constitution.

One of the essential elements in the enactment of legislative Acts which seek to make the performance of certain acts criminal, is that those acts, commissions, or omissions be defined with certainty. The provisions of this bill do not definitely define what acts, commissions or omissions are criminal, but refers the individual to the statute adopted by Congress wherein he can obtain the information in reference to what acts and omissions are a violation of this law. The citizen shall, at his peril, determine for himself what are the acts and omissions prohibited by the Volstead Act, for this bill makes no attempts to define them. As was said by the Supreme Court of California in the case of *In Re Lockett*, 179 Cal. 583: "So important is the liberty of the individual that it may not be taken away even from the most debased wretch in the land except upon conviction of a crime which has been so clearly defined that all might know in what act or omission the violation of the law should consist."

Every citizen realizes the difficulty that is encountered today in enforcing the prohibition law. Is it wise and prudent to enact a measure seeking to define certain acts or omissions as criminal when the measure, as adopted and by the Act of the Legislature is thus raised to the dignity of a law, is uncertain and indefinite in its terms and provisions?

#### V

The Supreme Court of California, in the matter of the Application of Frank Burke, was called upon to determine the validity of the Wright Act, and it was urged to this body that the fines imposed for a violation of the Wright Act were payable to the United States Government and not the State of California. The Supreme Court of California, in passing upon this question, remarked: "The question whether the fines which are imposed under the penal provisions of the Act are payable to the United States or to the State, may be a matter of dispute, but it is not the question with which petitioner is concerned."

This question is of serious importance in this State, because if the fines collected, by reason of enforcing this Act, do not inure to the benefit of the State of Nevada, the provisions of the Act violate section 3, article 2 of the Constitution of the State of Nevada, being section 355, Revised Laws of Nevada, vol. 1, page 107, wherein it is stated that "all fines collected under the penal laws of the State are hereby solemnly pledged for educational purposes, and shall not be transferred to any other fund for other uses."

I realize that the Supreme Court of California has passed upon The Wright Act and held the same to be constitutional, but it is



to be remembered that the question of the invalidity of section 3 was not before the court for decision, and, second, that the matter of the disposition of the fines and forfeitures was held to be of no concern to the petitioner, and the Court stated that this was a matter of disposition between the Federal and State Governments, to be determined later. The title of the Wright Act was not assailed before the Supreme Court. The only serious question urged was that it violated that section of the Constitution of the State of California, which provides: "No Act can be revised or amended by reference to its title, but such section as is amended or revised must be published at length."

The Legislature of this State is now in session. The defects which I have pointed out herein can be easily remedied. If it is the desire of the legislative body, as expressed in this bill, to exercise its lawmaking power by enacting a measure similar in import to the provisions of the national prohibition law, it is a very simple matter to pass an Act incorporating therein the national prohibition law.

Respectfully submitted,

M. A. DISKIN, *Attorney-General*.

On motion of Mr. Whiteley, duly seconded and carried, the communication was received and referred to Judiciary Committee.

#### INTRODUCTION AND FIRST READING

By Mr. Whitesides:

Assembly Bill No. 124—An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of Nevada; providing penalties for the violation thereof.

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

By Mr. Peterson:

Assembly Bill No. 125—An Act to provide for extending the use of the State Library.

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

By Mr. Whiteley:

Assembly Bill No. 126—An Act to amend an Act entitled "An Act providing for the incorporation of cities, their classification, the establishment and alteration of their boundaries, the government and disincorporation thereof, and repealing all Acts and parts of Acts in conflict therewith," approved March 27, 1907.

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

#### GENERAL FILE AND THIRD READING

Senate Bill No. 14.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peter-

son, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Geraghty and Long—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 14, having received a constitutional majority, was passed.

Assembly Bill No. 55.

The Committee on Judiciary offered the following amendments:

In line 1, page 2, insert words "any such meetings" in place of words "said meeting."

In line 4, page 2, insert word "such" in place of word "said."

On motion of Mrs. Millar, duly seconded and carried, amendments were adopted.

Remarks by Mrs. Millar.

Roll-call on Assembly Bill No. 55, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Long.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 55, having received a constitutional majority, was passed.

Assembly Bill No. 106.

Remarks by Messrs. Kennedy, Marsh, Whitesides, Henrichs, Tandy, Laing, Patterson, Yeager, Stites, Jurich, and Whiteley.

The following amendment was offered by Mr. Carpenter:

Amend section 1 by striking out lines 9, 10, 11, and 12.

Mr. Carpenter moved, duly seconded, to adopt amendment.

Motion of Mr. Jurich, duly seconded, to recess until 2 p. m., lost.

On motion of Mr. Henderson, duly seconded and carried, Assembly Bill No. 106 was indefinitely postponed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. James, who was excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Bills Nos. 48, 49, 52, and 53, and Assembly Bill No. 83, under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

B. R. ADDENBROOKE, *Chairman.*



## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Concurrent Resolution No. 6, which was this day adopted unanimously by the Senate.

Also, to inform you that the Senate representatives appointed on the Investigation Committee are Senators Smith, Fletcher, and Penrose.

Also, to return Assembly Bill No. 9, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, to present for your consideration Senate Bill No. 16, which this day passed as amended—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 87, which this day passed as amended—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 61, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 71, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 67, which passed as amended—Yeas, 15; nays, none; absent, 2.

Also, Senate Bill No. 88, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 89, which this day passed—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

## MOTIONS AND RESOLUTIONS

By Mr. Jurich:

Assembly Concurrent Resolution No. 7:

*Resolved, by the Assembly, the Senate concurring, That, in honor of the birthday of the father of our country, the Legislature, when it adjourns on February 21, shall stand adjourned until February 26, 1923.*

On motion of Mr. Jurich, duly seconded and carried, the resolution was adopted.

Remarks by Messrs. Jurich and Long.

## INTRODUCTION AND FIRST READING

By Mrs. Millar (by request):

Assembly Bill No. 127—An Act regulating the admission of minors to public dance-halls, providing for the closing of dance-halls on Sunday, and providing a penalty for the violation of any of the provisions of this Act.

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

By Mr. Stites:

Assembly Bill No. 128—An Act for the regulation and control of barbers and barber-shops in the State of Nevada; making certificate of registration necessary; providing for a Board of Examiners, fixing their bond; describing their duties; fixing penalty for the violation of this Act, and other matters relating thereto.

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



Senate Bill No. 16—An Act regulating the procedure for obtaining refund of moneys from the State Treasury and from the County Treasuries under certain circumstances and upon certain conditions.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Claims.

Senate Bill No. 87—An Act to amend section 3 of an Act entitled "An Act creating Coroner Districts, making the Justices of the Peace ex officio Coroners, prescribing their duties and compensation, and repealing all Acts and parts of Acts in conflict with the provisions of this Act," approved March 16, 1909, as amended March 10, 1919, and being section 7544, Revised Laws of Nevada, 1912.

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

Senate Bill No. 61—An Act to repeal an Act entitled "An Act creating the Northeastern Nevada Agricultural Board; defining its purpose, and prescribing its duties; providing for cooperation with the Agricultural Extension Division, University of Nevada, and other matters relating thereto, and making an appropriation therefor," approved March 24, 1917, and providing for the disposition of the records, property, and effects of the said board.

On motion of Mr. Murphy, 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. 71—An Act defining Public Weighmaster and providing for his appointment; prescribing his duties; providing for rules and regulations covering the performance of his duties; prescribing a bond and fixing the amount thereof; providing an appropriation for carrying out the provisions of this Act; and other matters relating thereto and connected therewith.

On motion of Mr. Hussman, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Trade and Manufactures.

Senate Bill No. 67—An Act to amend 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 devices, and for the enforcement thereof, and making an appropriation for the carrying out of this Act," approved March 8, 1911.

On motion of Mr. Swanson, 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. 88—An Act to repeal an Act entitled "An Act for the advancement of agriculture, horticulture, the livestock industry and home economics, and for the dissemination of knowledge and information in relation thereto, in southern Nevada; creating the

Southern Nevada Agricultural Board and prescribing its duties; providing for cooperative agricultural extension work in southern Nevada by agreement with the Agricultural Extension Division, University of Nevada; making an appropriation therefor; repealing 'An Act to establish an Agricultural Experiment Farm in the southern part of this State, and making an appropriation therefor.' approved March 2, 1905, and all Acts amendatory and supplemental thereto, and for other purposes," approved March 21, 1917, as amended February 27, 1919, and February 17, 1921; and providing for the disposition of the records, property, and effects of the said board.

On motion of Mr. Henderson, 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.

Senate Bill No. 89—An Act to continue the advancement of agriculture, horticulture, the livestock industry and home economics, and the dissemination of knowledge and information relative thereto in eastern Nevada, and making an appropriation therefor.

On motion of Mr. Yeager, 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. 107.

Remarks by Mr. Kennedy.

Roll-call on Assembly Bill No. 107:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Mr. James.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 107, having received a constitutional majority, was passed.

Assembly Bill No. 95.

Remarks by Miss Gosse.

Roll-call on Assembly Bill No. 95:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—James.

Not voting—Mr. Speaker.

Assembly Bill No. 95, having received a constitutional majority, was declared passed.

Assembly Bill No. 94.

On motion of Miss Gosse, duly seconded and carried, Assembly Bill No. 94 was rereferred to Committee on Education.



## Assembly Joint Resolution No. 10.

Remarks by Mr. Whiteley.

Roll-call on Assembly Joint Resolution No. 10:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—James.

Not voting—Mr. Speaker.

Assembly Joint Resolution No. 10, having received a constitutional majority, was declared passed.

## Assembly Bill No. 109.

On motion of Mr. Stites, duly seconded and carried, Assembly Bill No. 109 made special order of business for Tuesday, February 20, 1923, at 2:30 p. m.

## Assembly Bill No. 34.

On motion of Mr. Love, the following amendment, offered by the Committee on Live Stock, was adopted:

On line 11, page 2, section 2, strike out the word "sixty" and in lieu thereof insert the word "ninety." On page 3, section 5, line 13, strike the words "an open" and all of line 14, all of line 15, and to and including the word "wide" in line 16, and insert in lieu thereof, "suitable passageways equipped with gates, excepting at watering holes, where openings with proper safeguards will be maintained."

On motion of Mr. Kennedy, the following amendment to Assembly Bill No. 34 was adopted:

Amend section 1 by striking out all of said section after the word "considered" in line 5, page 2, and add a period in place thereof.

Remarks by Messrs. Love, Kennedy, Jurich, and Keough.

Roll-call on Assembly Bill No. 34, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Henrichs, Hussman, Jurich, Keough, Laing, Long, Love, Marsh, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—27.

NAYS—Henderson, Houlahan, Kennedy, Martin, and Meyers—5.

Absent—James.

Not voting—Geraghty, Hays, Swanson, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 34, having received a constitutional majority, was passed.

## Assembly Bill No. 79.

On motion of Mr. Henderson, duly seconded and carried, Assembly Bill No. 79 was rereferred to Committee on Judiciary.

## Assembly Bill No. 89.

Remarks by Mr. Yeager.

Roll-call on Assembly Bill No. 89:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson,



Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—James.

Not voting—Mr. Speaker.

Assembly Bill No. 89, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 9.

Remarks by Messrs. Long and Keough.

Roll-call on Assembly Joint Resolution No. 9:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, Hussman, Jurich, Kennedy, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—Keough.

Absent—James.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 9, having received a constitutional majority, was passed.

Assembly Bill No. 58.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 58 was rereferred to Committee on Roads and Highways.

Assembly Bill No. 104.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 104, was rereferred to Committee of the Whole.

Assembly Bill No. 93.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 93, was rereferred to Committee on Roads and Highways.

On motion of Mr. Whitesides, duly seconded and carried, Assembly adjourned until Tuesday, February 20, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), February 20, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Hayes, who was excused.

Invocation by Rev. Father Murphy.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### MOTIONS AND RESOLUTIONS

By Mr. Love:

Assembly Concurrent Resolution No. 8:

WHEREAS, A typographical error appears in enrolled Assembly Bill No. 27, which has been delivered to the Governor, be it

*Resolved by the Assembly, the Senate concurring*, That said bill be requested returned to the Assembly and when so returned the Enrollment Committee be and hereby is authorized to correct as follows:

In section 11, between the words "persons" and "to" strike the words "to who or."

On motion of Mr. Henderson, duly seconded and carried, Assembly Concurrent Resolution No. 8 was adopted.

On motion of Miss Gosse, duly seconded and carried, special order of business set for 2:30 p. m. Tuesday, February 20, 1923, was vacated, and Assembly Bill No. 109 referred to Committee on Judiciary.

### INTRODUCTION AND FIRST READING

By Mr. James:

Assembly Bill No. 129—An Act providing for the publication of "Nevada's Gold Star Book."

On motion of Mr. James, 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.

By Mrs. Hays:

Assembly Bill No. 130—An Act to establish the Nevada State Teachers' Employment Bureau, making the Superintendent of Public Instruction administrator of the same; providing for the registration of teachers seeking positions in this State, and establishing a fund for the payment of expenses of the Bureau.

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

By Mr. Keough:

Assembly Bill No. 131—An Act to provide for the publication of

the decisions of the Supreme Court of the State of Nevada, and to repeal certain Acts relative thereto and relative to other official advertising.

On motion of Mr. Keough, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Printing.

By Mr. Tandy:

Assembly Bill No. 132—An Act granting the right to construct and maintain an electric-light, heat and power plant within the town of Austin, Lander County, Nevada; to construct, equip and maintain poles, wires and conduits over, along and under the streets, alleys and public highways of said town for the purpose of supplying light, heat and power to said town and to the inhabitants thereof; providing for the purchase of the plant and franchise herein created by the town of Austin; providing for the revocation for cause of this franchise, and other matters relating thereto, and providing a penalty for willfully damaging the plant and appurtenances herein provided for.

On motion of Mr. Tandy, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Lander County Delegation.

By Mr. Houlahan:

Assembly Bill No. 133—An Act to amend section 9 of an Act entitled "An Act relating to the location, relocation, manner of recording lode and placer claims, mill sites, tunnel rights, amount of work necessary to hold possession of mining claims and the right of coowners therein," approved March 16, 1897, being section 2430, Revised Laws of Nevada.

On motion of Mr. Houlahan, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Mines and Mining.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Live Stock has had Assembly Bill No. 42 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass as amended.

Also, Assembly Bill No. 102, and reports same favorably, with the recommendation that it do pass.

H. E. LOVE, *Chairman.*

*Mr. Speaker:*

Your Committee on Education has had Assembly Bills Nos. 70, 82, and 114 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

Also, Assembly Bill No. 96, and reports same with the recommendation that it be referred to the Committee on Judiciary.

Also, Assembly Bill No. 119, and reports favorably on the same, with the recommendation that it do pass, with the attached amendment.

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

The Elko County Delegation has had Assembly Bill No. 51 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

WEBSTER PATTERSON, *Chairman.*



*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 119, 120, 121, 122, and 123, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

#### GENERAL FILE AND THIRD READING

Senate Bill No. 48.

On motion of Mr. Whitmore, duly seconded and carried, Senate Bill No. 48 was referred to Committee of the Whole.

Senate Bill No. 49.

On motion of Mr. Whitmore, duly seconded and carried, Senate Bill No. 49 was referred to Committee of the Whole.

Senate Bill No. 52.

The following amendments were offered by Mr. Whiteley:

In section 1, line 1, page 1, strike out the word "the" and insert in lieu thereof, the words "sections 2, 3, 4, 5, 6, 7, and 8 of the." Line 1, page 1, change the word "is" to "are." In the title after the word "repeal," insert the words "sections 2, 3, 4, 5, 6, 7, and 8 of."

On motion of Mr. Whiteley, duly seconded and carried, amendments were adopted.

Roll-call on Senate Bill No. 52, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Hayes.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 52, having received a constitutional majority, was passed.

Senate Bill No. 53.

Remarks by Mr. Whiteley.

Roll-call on Senate Bill No. 53:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Hayes.

Not voting—Mr. Speaker.

Senate Bill No. 53, having received a constitutional majority, was declared passed.

Senate Bill No. 56.

Remarks by Mr. Henderson.

Roll-call on Senate Bill No. 56:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Hayes.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 56, having received a constitutional majority, was passed.

Assembly Bill No. 116.

Remarks by Mr. Houlahan.

Roll-call on Assembly Bill No. 116:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Hayes.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 116, having received a constitutional majority, was passed.

Assembly Bill No. 83.

Remarks by Mr. Marsh.

Roll-call on Assembly Bill No. 83:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Hayes.

Not voting—Hays, Henderson, Martin, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 83, having received a constitutional majority, was passed.

Mr. Kennedy gave notice that he would move for a reconsideration of the vote taken on Assembly Bill No. 83, on the next legislative day.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Hayes.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 9 with the engrossed copy, finds the same correctly enrolled, and has delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Agriculture has had Assembly Bills Nos. 111 and 112 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Mines and Mining has had Senate Joint Resolution No. 6 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

J. M. HOULAHAN, *Chairman.*

*Mr. Speaker:*

The Elko County Delegation has had Assembly Bill No. 117 under consideration, and begs leave to submit a substitute for same, with the recommendation that the substitute be adopted.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Conference Committee begs leave to report the following recommendations in regard to Senate Bill No. 7:

Strike out both the Senate and Assembly amendments, returning the bill to its original form.

In line 1, page 1. of the printed bill, insert the words "highway construction" after the word "any."

N. H. CHAPIN, *Chairman Senate Committee.*

GEO. G. HUSSMAN, *Chairman Assembly Committee.*

On motion of Mr. Hussman, duly seconded and carried, the report of the Conference Committee was adopted.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Concurrent Resolution No. 7, which was this day lost in the Senate—Yeas, 5; nays, 10; not voting, 2.

Also, Assembly Concurrent Resolution No. 8, which was adopted unanimously by the Senate.

Also, to present for your consideration Senate Bill No. 101, which this day passed—Yeas, 17; nays, none.

Also, Senate Bill No. 102, which this day passed—Yeas, 17; nays, none.

Also, Senate Bill No. 91, which this day passed—Yeas, 17; nays, none.

Also, Senate Bill No. 99, which this day passed—Yeas, 17; nays, none.

Also, Senate Joint Resolution No. 2 of the Thirtieth Session, which this day passed—Yeas, 17; nays, none.

Also, Senate Substitute for Senate Joint Resolution No. 5 of the Thirtieth Session, which this day passed—Yeas, 17; nays, none.

Also, Senate Bill No. 69, which this day passed—Yeas, 17; nays, none.

Also, Senate Bill No. 74, which this day passed—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

By Mr. Whitmore:

Assembly Bill No. 134—An Act to amend section 71 of an Act entitled "An Act providing a general corporation law," approved March 16, 1903, being section 1172, Revised Laws of Nevada.

On motion of Mr. Whitmore, 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 Elko County Delegation:

Assembly Bill No. 135—An Act to amend section 3 of an Act entitled "An Act fixing the compensation of the county officers of Elko County, Nevada, and repealing all Acts and parts of Acts in conflict herewith," approved March 23, 1917.

On motion of Mr. Patterson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

Senate Joint Resolution No. 2.

On motion of Mr. Whiteley, rules were suspended, reading so far had



considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

Senate Substitute for Senate Joint Resolution No. 5 of the Thirtieth Session, relative to amending section 3 of article 11 of the Constitution of the State of Nevada.

On motion of Mr. Whiteley, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

Senate Bill 102—An Act for the relief of the Carson City News.

On motion of Mr. Henderson, 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. 101—An Act to amend an Act entitled "An Act to provide for bonding counties for building and equipping county high schools and dormitories, or for either one of these purposes, and other matters properly connected therewith," approved February 16, 1917.

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

Senate Bill No. 91—An Act providing for the control of the alfalfa weevil in the State of Nevada, and making an appropriation therefor.

On motion of Mr. Whitmore, 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. 99—An Act to provide for the completion of the new State Prison; providing for the issuance and sale of bonds therefor, and to repeal all Acts and parts of Acts in conflict therewith.

On motion of Mr. Whiteley, 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. 69—An Act to repeal an Act entitled "An Act to amend an Act entitled 'An Act to require foreign corporations to furnish evidence of their incorporation and corporate name,' approved March 3, 1869," approved January 30, 1877, being sections 1346 and 1347 of Revised Laws of 1912.

On motion of Mr. Stites, 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. 74—An Act to amend section 5 of an Act entitled "An Act providing for the prosecution and punishment of crimes, misdemeanors and offenses by information," approved March 24, 1913, and set forth in vol. 3, Revised Laws of Nevada, 1919, at page 3399, et seq.

On motion of Mr. Love, 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.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly went into Committee of the Whole for the transaction of such business as may come before it.

### HOUSE IN SESSION

Assembly called to order at 3:15 p. m.

Mr. Speaker in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE

*Mr. Speaker:*

Your Committee of the Whole has had Senate Bills Nos. 48 and 49 and Assembly Bills Nos. 46 and 104 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

Also, Assembly Bills Nos. 69 and 72, and reports favorably on the same, with the recommendation that they do pass, as amended.

Also, Assembly Bill No. 49, and reports the same without recommendation.

A. S. HENDERSON, *Chairman.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body, Assembly Bill No. 81, which was lost this day, in the Senate, by the following vote: Yeas, 4; nays, 13.

Also, to return Assembly Bill No. 12, which this day passed the Senate, as amended—Yeas, 17; nays, none.

Also, Assembly Bill No. 23, which this day passed the Senate—Yeas, 17; nays, none.

Also, Senate Bill No. 45, which this day passed the Senate—Yeas, 17; nays, none.

Also, Assembly Bill No. 90, which this day passed the Senate—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Kennedy, duly seconded and carried, Assembly concurred in the amendment offered by the Senate to Assembly Bill No. 12.

#### MOTIONS AND RESOLUTIONS

Unanimous consent being given, Mr. Kennedy moved for a reconsideration of the vote by which Assembly Bill No. 83 was passed.

Carried, and vote reconsidered.

On motion of Mr. Kennedy, duly seconded and carried, Assembly Bill No. 83 was referred to Committee on Agriculture.

#### INTRODUCTION AND FIRST READING

By Mr. Tandy:

Assembly Bill No. 136—An Act providing for insurance against loss by fire by the State of Nevada upon all buildings belonging to the State of Nevada and in the counties thereof, and any incorporated or unincorporated city or town within the State or to any county high-school district or public-school district within the State; providing a fund wherewith to pay such losses; making the State Controller administrator of the provisions of this Act; creating the Nevada State Fire Insurance Fund; providing for extra assistance in the office of the State Controller for the administration of this Act; providing for

reduction of insurance premiums, and providing for investment of surplus money in said Nevada Fire Insurance Fund by the State Board of Finance.

On motion of Mr. Tandy, 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.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly adjourned until February 21, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), February 21, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Invocation by Rev. Father Murphy.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Public Morals has had Assembly Joint Resolution No. 4 under consideration, and begs leave to report favorably on the same, with the recommendation that it be adopted.

ROY W. MARTIN, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 80 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

MARTIN P. GERAGHTY, *Chairman.*

*Mr. Speaker:*

Your Committee on Trade and Manufactures has had Senate Bill No. 71 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

J. P. WHITMORE, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Substitute for Senate Bill No. 11 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

Also, Assembly Bill No. 15, and reports favorably on the same, with the recommendation that it do pass after striking out the amendments and restoring the bill to its original form.

Also, Assembly Concurrent Resolution No. 5, and reports the same favorably, with the recommendation that it do pass with the attached amendments.

Also, Assembly Joint Resolution No. 8, Senate Bill No. 64, and Assembly Bills Nos. 13, 87, and 96, and reports same favorably, with the recommendation that they do pass.

Also, Assembly Bill No. 21, and begs leave to offer a substitute for the same, with the recommendation that the substitute be adopted and ordered printed.

W. M. KENNEDY, *Chairman.*

On motion of Mr. Whiteley, duly seconded and carried, Substitute for Assembly Bill No. 21, as offered by the Committee on Judiciary, was adopted.

### INTRODUCTION AND FIRST READING

By Mr. Whitmore:

Assembly Joint Resolution No. 11, relative to amending sections two, three, and four of article IV of the Constitution of the State of Nevada.

On motion of Mr. Whitmore, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

By Mr. Swanson:

Assembly Bill No. 137—An Act to amend an Act entitled "An Act to regulate proceedings in civil cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 82.

The following amendment was offered by Miss Gosse: In section 1, page 2, line 6, strike out the word "department" and insert in lieu thereof "board."

On motion of Miss Gosse, duly seconded and carried, the amendment was adopted.

The following amendment was offered by Mr. Meyers: In section 6 strike out the word "gratuitous" on line 14, page 3.

Mr. Meyers moved, duly seconded, that the amendment be adopted.

Mr. Jurich moved, duly seconded, that the amendment be indefinitely postponed.

Motion put and lost.

Remarks by Messrs. Jurich, Martin, Meyers, Kennedy, Long, Patterson, Whitesides, Whiteley, Henderson, Laing, Stites, and Tandy, and Misses Gosse and Towle.

The amendment offered by Mr. Meyers was adopted.

The following amendment was offered by Miss Gosse, and, on motion, adopted:

In section 6 insert a comma after "family" in line 15, page 3.

Roll-call on Assembly Bill No. 82, as amended:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—Davison, Hayes, Long, and Peterson—4.

Not voting—Marsh, Robb, and Mr. Speaker—3.

Mr. Speaker declared that Assembly Bill No. 82, having received a constitutional majority, was passed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Engrossment hereby certifies that bound copies of



Assembly Bills Nos. 124, 125, 126, 127, and 128, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman*.

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 12, 90, 25, and 45 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

Webster Patterson, *Chairman*.

*Mr. Speaker:*

Your Committee on Live Stock has had Senate Bills Nos. 76 and 77 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

H. E. Love, *Chairman*.

*Mr. Speaker:*

Your Committee on Agriculture has had Senate Bills Nos. 88 and 89 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

Webster Patterson, *Chairman*.

*Mr. Speaker:*

The Storey County Delegation has had Assembly Bill No. 123 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the attached amendments.

T. W. E. James, *Chairman*.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4, which this day passed the Senate, as amended, by the following vote: Yeas, 13; nays, 3; absent, 1.

Also, to present for your consideration Senate Substitute for Senate Bill No. 20, which this day passed—Yeas, 14; nays, 2; absent, 1.

Vivian Rickey,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4—An Act to amend 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.

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

Senate Substitute for Senate Bill No. 20—An Act to provide an excise tax on the sale of gasoline, distillate, and other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles; to provide for the collection thereof; to provide a manner of ascertaining the number of gallons of gasoline, distillate and such other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles, sold or distributed in the State of Nevada; to provide for the registration of dealers engaged in the distribution of and sale of gasoline, distillate and other volatile and inflammable liquid fuels; to fix a penalty for the violation of the provisions of this Act; to define certain words, terms and phrases herein, and to repeal all other Acts or parts of Acts in conflict herewith.



On motion of Mr. Carpenter, 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. 51.

The Elko County Delegation offered the following amendment: Add after the word "annum" in line 10, the following: "*provided*, that in cases of emergency, and when the Board of County Commissioners deem it necessary, the Recorder may, with the unanimous consent and approval of the board, appoint one or more deputies, such deputy or deputies to serve only so long as said emergency may continue, and to be paid at the rate of one hundred dollars per month."

On motion of Mr. Patterson, duly seconded and carried, the amendment was adopted.

## Roll-call on Assembly Bill No. 51, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Long.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 51, as amended, having received a constitutional majority, was passed.

## Assembly Bill No. 119.

The Committee on Education submitted the following amendment: In section 1, page 1, line 5, strike out the word "Governor," and insert in lieu thereof the words "State Board of Education."

On motion of Mr. Whiteley, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Whiteley and Yeager.

## Roll-call on Assembly Bill No. 119, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Long.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 119, as amended, having received a constitutional majority, was passed.

## Assembly Bill No. 114.

## Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Long.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 114, having received a constitutional majority, was passed.

Assembly Bill No. 70.

Roll-call :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Long and Peterson—2.

Not voting—Laing and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 70, having received a constitutional majority, was passed.

Assembly Bill No. 102.

On motion of Mr. Love, duly seconded and carried, Assembly Bill No. 102 was rereferred to Committee on Live Stock.

Assembly Bill No. 42.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 42 was referred to Committee of the Whole.

Assembly Bill No. 46.

Roll-call :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—Keough.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 46, having received a constitutional majority, was passed.

Assembly Bill No. 49.

Remarks by Messrs. Davison, Hayes, Long, Marsh, and Jurich.

Roll-call :

YEAS—Carpenter, Davison, Garaventa, Geraghty, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Kennedy, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—Addenbrooke, Gosse, Hussman, Keough, and Nelson—5.

Not voting—Laing and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 49, having received a constitutional majority, was passed.

Assembly Bill No. 69.

The following amendment, offered by Mr. Addenbrooke, was adopted :

After the word "dollars," in line 18, add "and whereas the claim has also been approved by the Nevada State Board of Examiners."

Roll-call on Assembly Bill No. 69, as amended :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Long,



Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—32.

NAYS—None.

Not voting—Hays, Houlahan, Robb, Whitesides, and Mr. Speaker—5.

Mr. Speaker declared that Assembly Bill No. 69, having received a constitutional majority, was passed.

Assembly Bill No. 72.

The following amendment, offered by Mr. Long, was adopted: In line 3, page 1, change the word "and" to "any."

The following amendment, offered by Mr. Whiteley, was adopted:

Amend the title by striking out the present title and inserting in lieu thereof the following: "An Act granting aid to the State Agricultural Society for the purpose of holding state fairs, the payment of premiums, and other purposes; and other matters connected therewith."

Roll-call on Assembly Bill No. 72, as amended:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Kennedy, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Carpenter.

Not voting—Hussman, Laing, and Mr. Speaker—3.

Assembly Bill No. 72, having received a constitutional majority, was declared passed.

Assembly Bill No. 104.

The following amendment was offered by the Committee on Fish and Game: Amend the title by striking out the word "segregating" in line 1 and inserting therein the following: "authorizing the Governor to set aside."

On motion of Mr. Whiteley, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Marsh.

Roll-call on Assembly Bill No. 104, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

NAYS—None.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 104, having received a constitutional majority, was passed.

Senate Bill No. 48.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

NAYS—None.

Not voting—Mr. Speaker.



Mr. Speaker declared that Senate Bill No. 48, having received a constitutional majority, was passed.

Senate Bill No. 49.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Hussman.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 49, having a constitutional majority, was passed.

Senate Joint Resolution No. 6.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

NAYS—None.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Joint Resolution No. 6, having received a constitutional majority, was passed.

Assembly Bill No. 111.

The following amendment, offered by Mr. Addenbrooke, was adopted:

In line 4 of the title make the first word "horticultural."

Roll-call on Assembly Bill No. 111, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—36.

NAYS—None.

Not voting—Mr. Speaker.

Assembly Bill No. 112.

On motion of Mr. Swanson, duly seconded and carried, Assembly Bill No. 112 was referred to Committee of the Whole.

Assembly Substitute for Assembly Bill No. 117.

On motion of Mr. Patterson, duly seconded and carried, 200 copies of Assembly Substitute for Assembly Bill No. 117 were ordered printed.

Messrs. Stites and Peterson were excused for Friday, February 23, 1923.

On motion of Mr. Jurich, duly seconded and carried, the Assembly adjourned until 11 a. m., February 23, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FORTIETH DAY

CARSON CITY (Friday), February 23, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Peterson and Stites, who were excused.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk was authorized to make necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Agriculture has had Assembly Bill No. 83 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Bills Nos. 41, 42, 67, 91, 99, and 102 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

The Committee consisting of Clark County Delegation has had Assembly Bill No. 108 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass as amended.

Also, Assembly Bill No. 78, and begs to report same favorably, with the recommendation that it do pass as amended.

Also, Assembly Bill No. 43, and reports same favorably, recommending its passage with the attached amendment.

ROY W. MARTIN, *Chairman.*

*Mr. Speaker:*

Your Committee on Roads and Highways has had Assembly Bill No. 58 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with attached amendment.

Also, Assembly Bill No. 93, and reports the same favorably, with the recommendation that it do pass with the attached amendments.

H. J. LONG, *Chairman.*

On motion of Mr. Whiteley, duly seconded, the amendments offered by Committee on Roads and Highways were adopted, and bill ordered reprinted as amended.

Remarks by Messrs. Long and Whiteley.

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to return to your honorable body Assembly Bill No. 14, which passed the Senate, as amended, February 21, 1923, by the following vote: Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 35, which passed the Senate—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 76, which passed—Yeas, 16; nays, none; absent, 1.



Also, to present Senate Bill No. 82, which passed—Yeas, 14; nays, 1; not voting, 1; absent, 1.

Also, Senate Bill No. 83, which passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 103, which passed the Senate—Yeas, 15; nays, none; not voting, 1; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Whiteley, duly seconded, the Assembly concurred in amendment to Assembly Bill No. 14, as made by the Senate.

#### MOTIONS AND RESOLUTIONS

By Mr. Jurich:

Assembly Resolution No. 12:

*Resolved by the Assembly.* That no bill may be introduced in the Assembly during the Thirty-first session of the Legislature of the State of Nevada, after the 2d day of March, 1923, except by a two-thirds vote of the membership.

On motion of Mr. Jurich, duly seconded and carried, the resolution was adopted.

#### INTRODUCTION AND FIRST READING

By Mr. Whiteley:

Assembly Bill No. 138—An Act to amend section 36 of an Act entitled "An Act providing for the incorporation of cities, their classification, the establishment and alteration of their boundaries, the government and disincorporation thereof, and repealing all Acts and parts of Acts in conflict therewith," approved March 27, 1907, as amended by Act approved March 25, 1911, as amended by Act approved March 1, 1915, and repealed all Acts and parts of Acts in conflict therewith.

On motion of Mr. Whiteley, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

By Washoe County Delegation:

Assembly Bill No. 139—An Act fixing the salaries of the District Judges of the Second Judicial District of the State of Nevada in and for Washoe County.

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

By Churchill County Delegation:

Assembly Bill No. 140—An Act to authorize the County Commissioners of any of the counties of the State of Nevada, in the name of the county, to purchase, acquire or construct electrical power plants and lines; providing for the maintenance, operation and extension of the same as a public utility; to authorize the issuance of bonds by the county to pay for the same, and other matters properly connected therewith.

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

Senate Bill No. 82—An Act concerning the county officers in the county of Lyon, State of Nevada, consolidating certain offices in said county, fixing the salary and compensation of said officers, regulating



the appointment of deputies and the compensation thereof; requiring the officers of said county to make report of all fees collected by them to the Board of County Commissioners, and other matters properly relating thereto, and repealing all Acts and parts of Acts in conflict therewith.

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

Senate Bill No. 83—An Act to authorize the District Attorney of Lyon County, Nevada, to employ an office stenographer, fixing the compensation of said stenographer, and providing for the payment of the same.

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

Senate Bill No. 103—An Act to grant the right of way to N. H. Getchell and his associates and assigns for the construction of a railroad from a point on the Nevada Central Railroad, about eleven miles south of Battle Mountain, Nevada, in a southeasterly direction through what is known as Lewis Canyon to a point at or near the Betty O'Neal and Hilltop mines.

On motion of Mr. Tandy, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

#### GENERAL FILE AND THIRD READING

Assembly Substitute for Senate Bill No. 11.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Substitute for Senate Bill No. 11 was rereferred to Committee on Judiciary.

Assembly Bill No. 15.

Remarks by Messrs. Whitesides, Houlahan, and Kennedy.

On motion of Mr. Marsh, duly seconded and carried, action was indefinitely postponed on Assembly Bill No. 15.

Assembly Bill No. 13.

Remarks by Messrs. Whitesides, Houlahan, and Kennedy.

Roll-call on Assembly Bill No. 13:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—31.

NAYS—None.

Absent—Peterson and Stites—2.

Not voting—Laing, Patterson, Whitesides, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 13, having received a constitutional majority, was passed.

Assembly Bill No. 96.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy,

Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Peterson and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 96, having received a constitutional majority, was passed.

Assembly Concurrent Resolution No. 5.

The following amendment, offered by Committee on Judiciary, was, on motion of Mr. Marsh, adopted:

On page 1, strike out all of line 19; page 2, lines 8 and 9, strike out the words "so not more than seven counties be made thereof."

Roll-call on Assembly Concurrent Resolution No. 5:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—29.

NAYS—Carpenter, Long, Murphy, and Whitmore—4.

Absent—Peterson and Stites—2.

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Assembly Concurrent Resolution No. 5, having received a constitutional majority, was passed.

Mr. Kennedy gave notice that after the close of business Friday afternoon, February 23, the Judiciary Committee would meet to take up the matter of charges against Judge Clarence J. McFadden, and he would like to ask that Mr. Henderson, Mr. Patterson, and the Speaker meet with the committee to advise at that time.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Carpenter, Henrichs, Hussman, Long, Peterson, Stites, Yeager, and Miss Towle.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Washoe County Delegation has had Assembly Bills Nos. 97, 98, and 99 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

Also, Assembly Bill No. 100, and reports same favorably, with the recommendation that it do pass, as amended.

Also, Assembly Bill No. 101, and reports same favorably, with the recommendation that it do pass, with the attached amendment.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

Your Committee on Military and Indian Affairs has had Assembly Joint Resolution No. 6 under consideration, and begs leave to report on the same without recommendation.

HARRY SWANSON, *Chairman.*



## GENERAL FILE AND THIRD READING

## Assembly Joint Resolution No. 8.

Remarks by Mr. Marsh.

Roll-call:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Swanson, Tandy, Whiteley, Whitesides, and Whitmore—28.

NAYS—None.

Absent—Carpenter, Henrichs, Hussman, Long, Peterson, Stites, Towle, and Yeager—8.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 8, having received a constitutional majority, was passed.

## Assembly Bill No. 87.

Remarks by Messrs. Jurich, Henderson, and Kennedy.

Roll-call on Assembly Bill No. 87:

YEAS—Davison, Garaventa, Hayes, Hays, Houlahan, James, Jurich, Kennedy, Love, Marsh, Meyers, Millar, Patterson, Tandy, Whiteley, and Whitesides—16.

NAYS—Addenbrooke, Geraghty, Gosse, Henderson, Keough, Laing, Martin, Murphy, Nelson, Robb, Swanson, and Whitmore—12.

Absent—Carpenter, Henrichs, Hussman, Long, Peterson, Stites, Towle, and Yeager—8.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 87, having failed to receive a constitutional majority, was lost.

## Senate Bill No. 64.

Roll-call:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Robb, Swanson, Tandy, Whiteley, Whitesides, and Whitmore—27.

NAYS—None.

Absent—Carpenter, Henrichs, Hussman, Long, Millar, Peterson, Stites, Towle, and Yeager—9.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 64, having received a constitutional majority, was passed.

## Senate Bill No. 71.

On motion of Mr. Geraghty, duly seconded and carried, Senate Bill No. 71 was referred to Committee of the Whole.

## Assembly Bill No. 80.

The following amendment was proposed by the Committee on Labor: In line 13, page 2, section 1, of the printed bill, strike out the words "one year" and insert in lieu thereof the words "six months."

On motion of Mr. Geraghty, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Bill No. 80, as amended:

YEAS—Davison, Geraghty, Gosse, Hayes, Hays, Houlahan, James, Jurich, Keough, Marsh, Martin, Meyers, Patterson, Robb, Tandy, Whiteley, Whitesides, and Whitmore—18.



NAYS—Garaventa, Henderson, Kennedy, Laing, Love, Murphy, Nelson, and Swanson—8.

Absent—Addenbrooke, Carpenter, Henrichs, Hussman, Long, Millar, Peterson, Stites, Towle, and Yeager—10.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 80, having failed to receive a constitutional majority, was lost.

On motion of Mr. Meyers, duly seconded and carried, Assembly Joint Resolution No. 4 made a special order of business for Monday, February 26, 1923, at 2:30 p. m.

Miss Gosse was invited by Mr. Speaker to take the chair.

Senate Bill No. 76.

The following amendment, offered by Mr. Marsh, was adopted:

Insert after the word "sheep" in line 12, page 1, the following: "owned by any association, club or other organization or the members thereof, receiving, or to receive any of the proceeds from such one-mill tax levy."

Remarks by Messrs. Love, Marsh, Tandy, Keough, and Laing.

On motion of Mr. Kennedy, duly seconded and carried, the Assembly adjourned until Monday, February 26, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FORTY-THIRD DAY

CARSON CITY (Monday), February 26, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### PRESENTATION OF PETITIONS

(Telegram)

HON. J. M. LOCKHART, *Speaker of House, Nevada State Legislature, Carson City, Nevada:*

Joint Resolution of Nevada Legislature memorializing Congress to adopt and submit to several States an amendment to Constitution United States authorizing Congress regulate employment child labor in industries of United States presented to U. S. Senate Saturday last immediately upon its receipt and printed in proceedings of that day. I strongly favor legislation this character and hope have chance vote for it before adjournment.

TASKER L. ODDIE.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 14 and 35 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bill No. 137, Substitute for Assembly Bills Nos. 21 and 117, and Joint Resolution No. 11, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorably body Assembly Bill No. 5, which passed the Senate, as amended, February 21, 1923, by the following vote: Yeas, 15; nays, 1; absent, 1.

Also, Assembly Joint Resolution No. 10, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 77, which this day passed the Senate, as amended—Yeas, 15; nays, 1; absent, 1.

Also, to present for your consideration Senate Bill No. 85, which this day passed the Senate—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Swanson, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 5.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 77.

#### INTRODUCTION AND FIRST READING

By Mr. Henderson:

Assembly Bill No. 141—An Act to amend an Act entitled "An Act providing a general corporation law," approved March 16, 1903.

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

By Mr. Henderson:

Assembly Bill No. 142—An Act to amend section 110 of an Act entitled "An Act to regulate proceedings in civil cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911.

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

By Mr. Whiteley:

Assembly Bill No. 143—An Act to amend an Act entitled "An Act providing a general corporation law," approved March 16, 1903, by adding thereto a new section known as section 85½, providing that corporations, both foreign and domestic, shall maintain and keep an agent in this State, providing for filing vacancies occurring therein, and imposing a penalty for failure so to do.

On motion of Mr. Whiteley, 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 White Pine County Delegation:

Assembly Bill No. 144—An Act to provide for the issuance and payment of bonds for the purpose of providing funds for liquidating, canceling and retiring the floating indebtedness of the White Pine County High-School District; and other matters connected therewith.

On motion of Mr. Whiteley, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to White Pine County Delegation.

By Mr. Nelson:

Assembly Bill No. 145—An Act to provide a uniform law concerning bills of lading, making certain actions crimes, and providing penalties therefor.

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

By Mr. Hayes:

Assembly Bill No. 146—An Act to prohibit any state officer, commission or department of state from employing, or keeping in employment, any married woman, except under certain circumstances, pro-



viding penalties for the violation hereof, and repealing all Acts and parts of Acts in conflict herewith.

On motion of Mr. Hayes, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

Senate Bill No. 84—An Act to amend section 14 of an Act entitled "An Act to provide for the taking care of the insane of the State of Nevada," approved February 24, 1881, and being section 2203 of the Revised Laws of Nevada, 1912.

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

#### GENERAL FILE AND THIRD READING

Senate Bill No. 76.

The following amendment was offered by Mr. Marsh:

Insert after the word "sheep" in line 12, page 1, the following: owned by association, club, or other organization or the members thereof, receiving or to receive any of the proceeds from such one-mill tax levy."

Mr. Marsh moved, duly seconded, that the amendment be adopted.

Three members called for roll-call on amendment offered by Mr. Marsh.

Roll-call on amendment:

YEAS—Davison, Hayes, Marsh, Rebb, and Tandy—5.

NAYS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

Absent—Stites.

Not voting—Mr. Speaker.

Amendment to Senate Bill No. 76, having failed to receive a majority vote, was declared lost.

The following amendment offered by Mr. Kennedy, was adopted:

Insert the words "out of the sheep inspection fund" after the word "annually" in line 9, on page 1.

Remarks by Messrs. Marsh, Tandy, Love, Keough, Murphy, and Kennedy.

Roll-call on Senate Bill No. 76, as amended:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Love, Murphy, Nelson, Towle, Whiteley, Whitmore, and Yeager—21.

NAYS—Davison, Hayes, Jurich, Long, Marsh, Martin, Meyers, Millar, Peterson, Robb, Swanson, Tandy, and Whitesides—13.

Absent—Patterson and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 76, having received a majority vote, was passed.

Senate Bill No. 77.

The following amendment, offered by Mr. Kennedy, was adopted: Insert the words "out of the stock inspection fund" after the word "annually," in line 7, page 1.

The following amendment was offered by Mr. Marsh:

Insert after the word "stock" at the end of line 11, page 1, the following: "owned by any association, club or other organization or the members thereof, receiving or to receive any of the proceeds from such one-mill tax levy."

Mr. Marsh moved, duly seconded, that amendment be adopted.

Three members called for roll-call on amendment offered by Mr. Marsh.

Roll-call on amendment:

YEAS—Davison, Hayes, Jurich, Long, Marsh, Martin, Meyers, Millar, Peterson, Robb, Tandy, and Whitesides—12.

NAYS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hays, Henderson, Heinrichs, Honlahan, Hussman, James, Kennedy, Keough, Laing, Love, Murphy, Nelson, Patterson, Swanson, Towle, Whiteley, Whitmore, and Yeager—23.

Absent—Stites.

Not voting—Mr. Speaker.

Amendment to Senate Bill No. 77, having failed to receive a majority vote, was declared lost.

Roll-call on Senate Bill No. 77, as amended:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hays, Henderson, Heinrichs, Honlahan, Hussman, James, Kennedy, Keough, Laing, Love, Murphy, Nelson, Patterson, Towle, Whiteley, Whitmore, and Yeager—22.

NAYS—Davison, Hayes, Jurich, Long, Marsh, Martin, Meyers, Millar, Peterson, Robb, Swanson, Tandy, and Whitesides—13.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 77, having received a constitutional majority, was passed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 1:30 p. m.

## HOUSE IN SESSION

At 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Elko County Delegation has had Assembly Substitute for Assembly Bill No. 117 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bills Nos. 8 and 36 under consideration, and begs leave to report the same without recommendation.

W. M. KENNEDY, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 105, which this day passed the Senate by the following vote: Yeas, 17; nays, none.

Also, Assembly Bill No. 26, which this day passed—Yeas, 16; nays, 1.



Also, Assembly Bill No. 48, which this day passed—Yeas, 17; nays, none.

Also, to present for your consideration Senate Bill No. 54, which this day passed the Senate, as amended—Yeas, 17; nays, none.

Also, Senate Substitute for Senate Bill No. 28, which this day passed, as amended—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

By Mr. Kennedy:

Assembly Joint Resolution No. 12, proposing to amend section 20 of article 4 of the Constitution of the State of Nevada.

On motion of Mr. Kennedy, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

By Elko County Delegation:

Assembly Bill No. 147—An Act to amend section 6 of an Act entitled "An Act fixing the compensation of the county officers of Elko County, Nevada, and repealing all Acts and parts of Acts in conflict herewith," approved March 23, 1917.

On motion of Mr. Patterson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 88.

Remarks by Mr. Henderson.

Roll-call on Senate Bill No. 88:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Gosse, Hussman, Millar, and Stites—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 88, having received a constitutional majority, was passed.

Senate Bill No. 89.

On motion of Mr. Henderson, duly seconded and carried, Senate Bill No. 89 was referred to Committee of the Whole.

Assembly Bill No. 123.

The following amendment was offered by the Storey County Delegation:

Insert after the figures and comma "1901," the following: An Act to amend an Act entitled "An Act to amend an Act entitled Senate Substitute for Assembly Bill No. 99—An Act relating to the duties, salaries and compensation of county and township officers of Storey County, Nevada," approved March 11, 1899, approved February 21, 1901, approved March 20, 1909.

On motion of Mr. James, duly seconded and carried, the amendment was adopted.



Roll-call on Assembly Bill No. 123, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Gosse, Millar, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 123, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 6.

Remarks by Messrs. Hayes, Henderson, Swanson, Long, Marsh, Keough, Jurich, and Kennedy.

Mr. Geraghty moved, duly seconded, that Assembly Joint Resolution No. 6 be made a special order of business for Wednesday, February 28, at 2:30 p. m.

Motion lost.

Roll-call on Assembly Joint Resolution No. 6:

YEAS—Carpenter, Davison, Geraghty, Hayes, Houlahan, Hussman, James, Jurich, Keough, Marsh, Murphy, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, and Whitesides—18.

NAYS—Addenbrooke, Garaventa, Gosse, Henrichs, Long, Love, Meyers, Millar, and Nelson—9.

Absent—Stites.

Not voting—Hays, Henderson, Kennedy, Laing, Martin, Swanson, Whitmore, Yeager, and Mr. Speaker—9.

Mr. Speaker declared that Assembly Joint Resolution No. 6, having failed to receive a constitutional majority, was lost.

Assembly Bill No. 97.

Remarks by Mr. Addenbrooke.

Roll-call on Assembly Bill No. 97:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 97, having received a constitutional majority, was passed.

Assembly Bill No. 98.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 98 was referred to Committee of the Whole.

Assembly Bill No. 99.

Remarks by Mr. Addenbrooke.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 99 was made a special order of business for Friday, March 2, 1923, at 2:30 p. m.

Assembly Bill No. 100.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Heinrichs, Hussman, James, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Jurich.

Absent—Houlahan, Kennedy, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 100, having received a constitutional majority, was passed.

Assembly Bill No. 101.

The following amendment was offered by the Washoe County Delegation: Add a new subdivision to section 10g which ends on line 11, page 27, of the Act, to read as follows: Fourth—To prohibit and suppress the manufacture, sale or other disposal of intoxicating liquor within the city.

On motion of Mr. Addenbrooke, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Bill No. 101, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Long.

Absent—Stites.

Not voting—Marsh and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 101, having received a constitutional majority, was passed.

Assembly Bill No. 78.

The following amendment was offered by the Clark County Delegation: Change in line 28, page 2, the word "county" to "city"; also, after the word "registration" in line 1, page 3, insert the words "of other persons qualified to vote, such registration"; also, strike out the comma after the word "registration" in line 1, page 3.

On motion of Mr. Martin, duly seconded and carried, amendments were adopted.

Remarks by Mr. Henderson.

Roll-call on Assembly Bill No. 78, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Love and Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 78, having received a constitutional majority, was passed.

## Assembly Joint Resolution No. 4.

Remarks by Mr. Meyers.

Roll-call on Assembly Joint Resolution No. 4:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—Towle.

Absent—Stites.

Not voting—Addenbrooke, Nelson, Swanson, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Joint Resolution No. 4, having received a constitutional majority, was passed.

## Assembly Bill No. 43.

The following amendment was offered by the Clark County Delegation: Strike out in line 24, page 6, the words "in the manner and to the extent allowed by"; also, strike out in line 25, page 6, the words "the statutes and the laws"; also, place a comma after the word "purposes" in line 24, page 6.

On motion of Mr. Martin, duly seconded and carried, the amendments were adopted.

Remarks by Mr. Martin.

Roll-call on Assembly Bill No. 43, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 43, having received a constitutional majority, was passed.

Mr. Kennedy moved, duly seconded and carried, that Senate Bill No. 41 be placed at top of the file and referred to Committee of the Whole.

Remarks by Mr. Whiteley.

On motion of Mr. Kennedy, duly seconded and carried, the Assembly resolved itself into Committee of the Whole for consideration of Senate Bill No. 41.

## HOUSE IN SESSION

At 2:45 p. m.

Mr. Speaker in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

*Mr. Speaker:*

Your Committee of the Whole has had Senate Bill No. 41 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

MARTIN P. GERAGHTY, *Chairman.*

## GENERAL FILE AND THIRD READING

On motion of Mr. Kennedy, duly seconded and carried, Senate Bill No. 41 was made special order of business and placed at top of file for immediate action.



Remarks by Messrs. Kennedy and Addenbrooke.

Senate Bill No. 41.

Roll-call:

YEAS—Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Millar, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—27.

NAYS—Addenbrooke, Hussman, James, Meyers, and Nelson—5.

Absent—Stites.

Not voting—Davison, Murphy, Swanson, and Mr. Speaker—4.

Mr. Speaker declared that Senate Bill No. 41, having received a constitutional majority, was passed.

Moved by Mr. Kennedy, duly seconded and carried, that Senate Bill No. 42 be placed at top of file.

Senate Bill No. 42.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Stites and Towle—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 42, having received a constitutional majority, was passed.

Assembly Bill No. 108.

The following amendment was offered by the Clark County Delegation: Strike out in line 6, page 2, the words "twenty-one" and insert in lieu thereof the words "eighteen"; also, strike out in line 17, page 2, the word "four" and insert in lieu thereof the word "one"; also, in line 18, page 2, strike out the dollar sign and the numerals "2,400."

Remarks by Mr. Martin.

Roll-call on Assembly Bill No. 108, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Lang, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Stites and Towle—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 108, having received a constitutional majority, was passed.

Assembly Bill No. 58.

The following amendment was offered by the Committee on Roads and Highways: Strike out all of section 2(c), lines 20 to 24, inclusive, on page 2, and insert the following in lieu thereof: "It shall be the duty of all state and county peace officers to see and require that a license is procured by the owner of each and every automobile, motorcycle and other motor vehicle of a similar nature, according to the provisions of this Act."

On motion of Mr. Geraghty, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Geraghty and Martin.

Roll-call on Assembly Bill No. 58, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Stites and Towle—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 58, having received a constitutional majority, was passed.

On motion of Mr. Kennedy, duly seconded and carried, the Assembly adjourned until Tuesday, February 27, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FORTY-FOURTH DAY

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CARSON CITY (Tuesday), February 27, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Stites and Yeager, who were excused.

Invocation by Rev. T. W. Bateman.

On motion of Mr. Marsh, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 138, 139, 140, and 93 (reprint), hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 5, 26, 48, 76, 77, 105, and Assembly Joint Resolution No. 10 with the engrossed copies, finds the same correctly enrolled, and have delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Substitute for Assembly Bill No. 21 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Bill No. 61 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

Your Committee on Roads and Highways has had Assembly Bill No. 115 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

H. J. LONG, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Joint Resolution No. 4, which passed the Senate—Yeas, 13; nays, 3; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

### MOTIONS AND RESOLUTIONS

By Mr. Jurich:

Assembly Concurrent Resolution No. 9, pertaining to reports of investigating committee concerning Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada:



*Be it resolved by the Assembly, the Senate concurring.* That the reports of the investigating committee concerning Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, be submitted for consideration and discussion to a joint session of the Senate and Assembly to be held for that purpose on Friday, the 2d day of March, 1923, at the hour of 10 a. m.

On motion of Mr. Jurich, duly seconded and carried, resolution was adopted.

Remarks by Messrs. Jurich, Whiteley, and Love.

Moved by Mr. Jurich, duly seconded and carried, that Assembly Concurrent Resolution No. 9 be taken up in joint session at 10 o'clock Friday, March 2, 1923.

#### INTRODUCTION AND FIRST READING

By Mr. Marsh:

Assembly Joint Resolution No. 13—Joint Resolution of the Senate and Assembly of the State of Nevada proposing to amend section 5 of article 6 of the Constitution:

*Resolved by the Assembly, the Senate concurring.* That section 5 of article 6 of the Constitution of the State of Nevada shall be amended so as to read as follows:

SEC. 5. The State of Nevada is hereby divided into ten Judicial Districts as now constituted or shall hereafter be constituted by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the Judicial Districts and Judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the office. The District Judges shall be appointed by the Governor and shall hold office for the term of four years from, and including, the first Monday of January next succeeding their appointment; such appointment shall be subject to the approval of the Senate; in case of a vacancy occurring in the office of District Judge, by death, resignation, or otherwise, an appointment shall be made by the Governor for the unexpired term only.

On motion of Mr. Marsh, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

By Mr. Marsh:

Assembly Joint Resolution No. 14—Joint Resolution of the Senate and Assembly of the State of Nevada proposing to amend section 3, article 6, of the Constitution:

*Resolved by the Assembly, the Senate concurring.* That section 3 of article 6 of the Constitution of the State of Nevada shall be amended so as to read as follows:

SEC. 3. The Justices of the Supreme Court shall be appointed by the Governor, and shall hold office for the term of six years from, and including, the first Monday of January next succeeding their appointment; such appointment shall be subject to the approval of the Senate; in case of a vacancy occurring in the office of Justice of the Supreme Court, by death, resignation or otherwise, an appointment shall be made by the Governor for the unexpired term only; the Justice having the shortest term shall be the Chief Justice and after the expiration of his term the one having the next shortest term shall be Chief Justice, after which the senior Justice in commission shall be the Chief Justice.

On motion of Mr. Marsh, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

By Mr. Nelson :

Assembly Bill No. 148—An Act to amend section 4 of an Act entitled "An Act to promote uniformity in accounting of County Treasurers and County Auditors, and providing a penalty for the violation of the same," being chapter 184, Statutes of 1919.

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

By Mr. Nelson :

Assembly Bill No. 149—An Act to punish the making or use of false statements to obtain property or credit.

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

By Mr. Nelson :

Assembly Bill No. 150—An Act to repeal section 431 of an Act entitled "An Act concerning crimes and punishments, and repealing certain Acts relating thereto," approved March 17, 1911, being section 6696, Revised Laws of Nevada.

On motion of Mr. Nelson, 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 Washoe County Delegation :

Assembly Bill No. 151—An Act relating to the compensation of certain county officers in Washoe County, State of Nevada, and to repeal all Acts in conflict herewith.

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

By Washoe County Delegation :

Assembly Bill No. 152—An Act authorizing and empowering the city of Reno, county of Washoe, State of Nevada, to vacate and dispose of a portion of an unused street of the city of Reno.

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

By Mr. Kennedy :

Assembly Bill No. 153—An Act to amend section 286 of an Act entitled "An Act to regulate proceedings in civil cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911, being section 5228, Revised Laws of Nevada, vol. 2.

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

By Mr. Whiteley :

Assembly Bill No. 154—An Act to amend section 354 of an Act entitled "An Act concerning crimes and punishments, and repealing certain Acts relating thereto," approved March 17, 1911, being section 6619, Revised Laws of Nevada.



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

By Mr. Martin:

Assembly Bill No. 155—An Act to amend section 18 of an Act entitled "An Act to regulate the practice of pharmacy and the use and sale of poisons and drugs in the State of Nevada; providing for a State Board of Pharmacy, and defining its powers and duties, and fixing penalties for the violation thereof," approved April 1, 1913.

On motion of Mr. Martin, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Trade and Manufactures.

By Mr. Robb:

Assembly Bill No. 156—An Act requiring reports of marriage licenses and divorces to be made quarterly by the various County Clerks of the State.

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

By Mr. Swanson:

Assembly Joint Resolution No. 15—Joint Resolution of the Legislature of the State of Nevada memorializing the Legislature of the State of California to so amend its fish and game laws that it will be made to conform with that of the State of Nevada in relation to the open season on deer, and the number of deer to be killed during any one season.

On motion of Mr. Swanson, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Fish and Game.

Senate Bill No. 54—An Act to amend section 2 of an Act entitled "An Act creating the office of Labor Commissioner of this State, providing for the appointment of such Commissioner and other employees, defining their duties and fixing their compensation and providing a penalty for the violation of its provisions, and other matters relating thereto," approved March 24, 1915, and repealing section 3 of the same Act.

On motion of Mr. Geraghty, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

Senate Substitute for Senate Bill No. 28—An Act to amend an Act entitled "An Act regulating automobiles or motor vehicles in public roads, highways, parks or parkways, streets and avenues within the State of Nevada; providing a license for the operation thereof, and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended and in what manner; to provide for the registration and issuing of number plates for vehicles; and repealing an Act entitled 'An Act to amend certain sections of an Act entitled "An Act regu-



lating automobiles or motor vehicles on public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended, and in what manner, and repealing an Act of the same title approved March 24, 1913, 'approved March 24, 1915,' approved March 24, 1917, and repealing a certain section of a certain Act," approved March 25, 1921.

On motion of Mr. Long, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

By Mr. Love:

Assembly Bill No. 157—An Act to fix the salary of the Justices of the Peace of Caliente and Pioche Townships in Lincoln County, State of Nevada.

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

Senate Joint Resolution No. 4, relative to amending article four of the Constitution of the State of Nevada pertaining to the Legislative Department of the Government of the State of Nevada by repealing sections one to thirty-five, inclusive, of article four, and substituting in lieu thereof sections one to thirty-three, inclusive:

*Resolved by the Senate and the Assembly of the State of Nevada, That article four of the Constitution of the State of Nevada be amended so as to read as follows:*

#### LEGISLATIVE DEPARTMENT

##### *Legislative Authority Vested.*

SECTION 1. The legislative authority of the State of Nevada shall be vested in a single body, to be known as the "Legislative Commission"; said Legislative Commission shall consist of seven elective members and three ex officio members; the Governor, Lieutenant-Governor and Attorney-General of the State of Nevada shall constitute the ex officio members without right to vote; the seven elective members shall be chosen quadrennially by the qualified electors of their respective districts at the general election on the Tuesday after the first Monday in November and their term of office shall be four years from the day next after their election, excepting that in districts numbered ..... and ..... for the first term only the members of the Legislative Commission shall be elected for a term of two years; when vacancies occur elections may be held upon the proclamation of the Governor, and the member or members so elected shall hold office for the unexpired term. The sessions of the Legislative Commission shall be held at the Capitol of the State.

##### *To Convene, When.*

SEC. 2. The sessions of the Legislative Commission as above defined shall be biennial, and shall commence on the third Monday of January next ensuing the elections of members of the Legislative Commission unless the Governor of the State shall, in the interim, convene the Legislative Commission by proclamation.

##### *Who Eligible.*

SEC. 3. Members of the Legislative Commission shall be duly qualified electors in their respective districts. The Legislative Commission shall be the exclusive judge of the qualifications, elections and returns of its members, choose its own officers, determine the rules of its proceedings, and may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all the members elected, expel a member.

*May Punish for Contempt.*

SEC. 4. The Legislative Commission during the session may punish by imprisonment any person, not a member, who shall have been guilty of disrespect to the Legislative Commission by disorderly or contemptuous behavior in its presence; but such imprisonment shall not extend beyond the final adjournment of the session.

*Members Not To Be Beneficiaries.*

SEC. 5. No member of the Legislative Commission shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit in this State which shall have been created or the emoluments of which shall have been increased during such term, except such office as may be filled by election by the people.

*Persons Not Eligible, When.*

SEC. 6. No person holding any lucrative office under the government of the United States or any other power shall be eligible to any civil office of profit in this State; *provided*, that postmasters, whose compensation does not exceed \$500 per annum, or commissioners of deeds shall not be considered as holding lucrative offices.

*Disqualified from Office Holding.*

SEC. 7. Any person who shall be convicted of embezzlement or defalcation of the public funds of this State, or who may be convicted of having given or offered a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of profit or trust in this State, and the Legislative Commission shall, as soon as practicable, provide by law for the punishment of such defalcation, bribery, or embezzlement as a felony.

*Members Exempt from Civil Process During Session of Legislature.*

SEC. 8. Members of the Legislative Commission shall be privileged from arrest on civil process during its sessions, and for fifteen days next before the commencement of each session.

*Vacancies, How Filled.*

SEC. 9. When vacancies shall occur in the Legislative Commission, the Governor shall issue writs of election to fill such vacancies.

*Rules Relating to Legislative Procedure.*

SEC. 10. A majority of the members elected to the Legislative Commission shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the said Legislative Commission may prescribe.

*Journal—Yeas and Nays.*

SEC. 11. The Legislative Commission shall keep a journal of its proceedings, which shall be published, and the yeas and nays of the members on any question shall, at the desire of any three members, be entered on the journal.

*Meetings Public, Exception.*

SEC. 12. The doors of the Legislative Commission shall be kept open during its sessions, except while sitting in executive session, and the said Legislative Commission shall not adjourn during the period of its regular session for more than three consecutive days, excluding Sundays and holidays, nor to any other place than that in which it may be holding its regular sessions.

*Embrace But One Subject.*

SEC. 13. Each law enacted by the Legislative Commission shall embrace but one subject and matters properly connected therewith, which shall be briefly expressed in the title, and no law shall be revised or amended by reference to its title only; but in each case the Act as revised, or section amended, shall be reenacted and published at length.

*Bills, Reading and Passage.*

SEC. 14. Every bill shall be read by sections on three several days, unless in case of emergency two-thirds of the members of the Legislative Commission shall deem it expedient to dispense with this rule, but the reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or resolution shall be determined by yeas and nays to be entered on the journal; and a majority of the members elected to



the Legislative Commission shall be necessary to pass every bill or resolution, and all bills or resolutions so passed shall be signed by the presiding officer of the Legislative Commission, and by the Secretary or Chief Clerk thereof.

*Public Moneys, How Disbursed and Accounted For.*

Sec. 15. No money shall be drawn from the treasury but in pursuance of appropriations made by law. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the Legislative Commission.

*Legislative Powers Restricted.*

Sec. 16. The Legislative Commission shall not pass local or special laws in any of the following enumerated cases, that is to say: Regulating the jurisdiction and duties of the Justices of the Peace and of Constables, and fixing their compensation; for the punishment of crimes and misdemeanors; regulating the practice of courts of justice; providing for changing the venue in civil and criminal cases; granting divorces; changing the names of persons; vacating roads, town plots, streets, alleys, and public squares; summoning and impaneling grand and petit juries, and providing for their compensation; regulating county and township business; regulating the election of county and township officers; for the assessment and collection of taxes for state, county, and township purposes; providing for opening and conducting elections of state, county, and township officers, and designating the places of voting; providing for the sale of real estate or personal property belonging to minors or other persons under legal disabilities; giving effect to invalid deeds, wills, or other instruments; refunding money paid into the state treasury, or into the treasury of any county; releasing the indebtedness, liability, or obligation of any corporation, association, or person to the State, or to any county, town, or city in this State. But nothing in this section shall be construed to deny or restrict the power of the Legislative Commission to establish and regulate the compensation and fees of county and township officers; to establish and regulate the rates of freight, passage, toll, and charges of railroads, toll-roads, ditch, flume, and tunnel companies incorporated under the laws of this State, or doing business therein.

*Laws, General and Uniform.*

Sec. 17. In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

*Suit May Be Brought Against the State.*

Sec. 18. Provision may be made by general law for bringing suit against the State as to all liabilities originating after the adoption of this Constitution.

*Enacting Clause.*

Sec. 19. The enacting clause of every law shall be as follows: "The People of the State of Nevada, represented in Legislative Commission, do enact as follows," and no law shall be enacted except by bill.

*Lottery Inhibited.*

Sec. 20. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

*County Government.*

Sec. 21. The Legislative Commission shall establish a system of county and township government, which shall be uniform throughout the State.

*County Government.*

Sec. 22. The Legislative Commission shall provide by law for the election of a Board of County Commissioners in each county, and such County Commissioners shall, jointly and individually, perform such duties as may be prescribed by law.

*Who May Be Excluded from Juries.*

Sec. 23. Laws shall be made to exclude from serving on juries all persons not qualified electors of the State, and all persons who shall have been convicted of bribery, perjury, forgery, larceny, or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.



*Salaries Fixed by Law Not Increased or Diminished.*

SEC. 24. No money shall be drawn from the State Treasury as salary or compensation to any officer or employee of the Legislative Commission, except in cases where such salary or compensation has been fixed by law in force prior to the election or appointment of such officer or employee, and the salary or compensation so fixed shall neither be increased nor diminished so as to apply to any officer or employee of the Legislative Commission at such session; *provided*, that this restriction shall not apply to the first session of the Legislative Commission.

*Legislative Session Limited.*

SEC. 25. No regular session of the Legislative Commission shall exceed sixty days, nor any special session convened by the Governor exceed twenty days.

*Homestead Exempt from Forced Sale.*

SEC. 26. A homestead, as provided by law, shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon; *provided*, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by consent of both husband and wife, and laws shall be enacted providing for the recording of such homestead within the county in which the same shall be situated.

*Separate Property of Wife.*

SEC. 27. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife in relation, as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

*Power of Legislators Over County Officers.*

SEC. 28. The Legislative Commission shall have the power to increase, diminish, consolidate, or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys, County Surveyors, Public Administrators, and Superintendents of Schools. The Legislative Commission shall provide for their election by the people, and fix by law their duties and compensation. County Clerks shall be *ex officio* clerks of the courts of record and of the Boards of County Commissioners in and for their respective counties.

*Compensation Expenses.*

SEC. 29. The members of the Legislative Commission shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of compensation shall take effect during the term for which the members shall have been elected; *provided*, that an appropriation may be made for the payment of such actual expenses as members of the Legislative Commission may incur for postage, express charges, newspapers and stationery, not exceeding the sum of sixty dollars for any general or special session to each member; *and provided further*, that the Speaker of the Legislative Commission, to be chosen by such Legislative Commission, shall, during the time of his actual attendance as presiding officer, receive an additional allowance of two dollars per diem.

*Governor's Veto Power.*

SEC. 30. Every bill which may have passed the Legislative Commission shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; if not he shall return it, with his objections, to the Legislative Commission, and the Legislative Commission shall cause such objections to be entered upon its journal and proceed to reconsider it; if, after such reconsideration, it again pass the Legislative Commission by a vote of two-thirds of all the members elected, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within five days after it shall have been presented to him (Sundays and holidays excepted) exclusive of the day on which he receives it, the same shall be a law in like manner as if he

had signed it, unless the Legislative Commission, by its final adjournment, prevents such return, in which case it shall be a law unless the Governor, within ten days after the adjournment (Sundays and holidays excepted), shall file such bill, with his objections thereto in writing, in the office of the Secretary of State, who shall lay the same before the Legislative Commission at its next session in like manner as if it had been returned by the Governor; and if the same shall receive a vote of two thirds of the members elected to the Legislative Commission to which it is returned, upon a vote taken by yeas and nays, to be entered upon the journal of such Legislative Commission, it shall become a law. The Governor shall have power to veto or reduce single items in appropriation bills without thereby affecting any other provisions of such bills.

*Qualification of Speaker.*

SEC. 31. The Speaker of the Legislative Commission shall be a duly qualified member thereof; and nothing herein contained shall be so construed as to deprive such Speaker of his vote as a member upon any and all questions to be voted upon by such Legislative Commission.

*Legislative Commission Districts.*

SEC. 32. The State of Nevada is hereby divided into seven Legislative Commission Districts; said districts are hereby constituted and numbered as follows: The county of Washoe, State of Nevada, shall constitute the First Legislative Commission District and shall be represented by one Legislative Commissioner; the counties of Ormsby, Storey and Douglas, State of Nevada, shall constitute the Second Legislative Commission District and shall be represented by one Legislative Commissioner; the counties of Humboldt, Lander and Pershing shall constitute the Third Legislative Commission District and shall be represented by one Legislative Commissioner; the counties of Elko and Eureka shall constitute the Fourth Legislative Commission District and shall be represented by one Legislative Commissioner; the counties of Lincoln, Clark and White Pine shall constitute the Fifth Legislative Commission District and shall be represented by one Legislative Commissioner; the counties of Esmeralda and Nye shall constitute the Sixth Legislative Commission District and shall be represented by one Legislative Commissioner; and the counties of Lyon, Mineral and Churchill shall constitute the Seventh Legislative Commission District and shall be represented by one Legislative Commissioner.

*Repeal.*

SEC. 33. Each and every provision of the Constitution of the State of Nevada, and each and every law now upon the statute books of this State in conflict with any of the provisions of this article, are hereby repealed.

On motion of Mr. Marsh, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

GENERAL FILE AND THIRD READING

Senate Bill No. 99.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, and Whitmore—33.

NAYS—None.

Absent—Long, Stites, and Yeager—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 99, having received a constitutional majority, was passed.

Senate Bill No. 67.

On motion of Mr. Addenbrooke, duly seconded and carried, Senate Bill No. 67 was rereferred to Committee on Ways and Means.



Senate Bill No. 102.

On motion of Mr. Whiteley, duly seconded and carried, Senate Bill No. 102 was referred to Committee of the Whole.

Senate Bill No. 91.

On motion of Mr. Henderson, duly seconded and carried, Senate Bill No. 91 was referred to Committee of the Whole.

Assembly Bill No. 83.

On motion of Mr. Patterson, duly seconded and carried, Assembly Bill No. 83 was referred to Committee on Agriculture.

Assembly Bill No. 36.

On motion of Mr. Whitesides, duly seconded and carried, Assembly Bill No. 36 was referred to Committee of the Whole.

Assembly Bill No. 8.

On motion of Mr. Whitesides, duly seconded and carried, Assembly Bill No. 8 was referred to Committee of the Whole.

Assembly Substitute for Assembly Bill No. 117.

The following amendment was offered by the Elko County Delegation: On page 1, line 1, add between the numeral "1" and "the" the following: "Section 4 of the above entitled Act is hereby amended to read as follows: Section 4." On page 1 strike out lines 13 and 14. Change title to read as follows: To amend section 4 of an Act entitled "An Act fixing the compensation of the county officers of Elko County, Nevada, and repealing all Acts and parts of Acts in conflict herewith," approved March 23, 1917.

On motion of Mr. Patterson, duly seconded and carried, amendments adopted.

Remarks of Mr. Patterson.

Roll-call on Assembly Substitute for Assembly Bill No. 117:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, and Whitmore—33.

NAYS—None.

Absent—Long, Stites, and Yeager—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Substitute for Assembly Bill No. 117, having received a constitutional majority, was passed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Carpenter, Long, Stites, and Yeager, who were excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Elko County Delegation has had Assembly Bill No. 135 under con-



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

WEBSTER PATTERSON, *Chairman*.

*Mr. Speaker:*

Your Committee on Elections has had Assembly Bill No. 138 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 88, and begs leave to report the same without recommendation.

C. E. WHITESIDES, *Chairman*.

*Mr. Speaker:*

Your Committee on Judiciary has had Senate Joint Resolution No. 2, Senate Joint Resolution No. 4, and Assembly Bill No. 85 under consideration, and begs leave to report the same without recommendation.

Also, Assembly Bills Nos. 126 and 140, and reports same favorably, with the recommendation that they do pass.

W. M. KENNEDY, *Chairman*.

#### MOTIONS AND RESOLUTIONS

On motion of Mr. Love, duly seconded and carried, Assembly Bill No. 157 was withdrawn.

#### INTRODUCTION AND FIRST READING

By Mr. Meyers:

Assembly Bill No. 157—An Act to regulate the use and operation of motor trucks and motor vehicles, to define and classify them, to protect the public roads and highways of Nevada, to secure revenue for their improvement and maintenance, to provide for the issuance of licenses by Boards of County Commissioners and the enactment of ordinances therefor, and other matters properly appertaining thereto, to prescribe penalties for the violation thereof, and repealing all Acts and parts of Acts in conflict therewith.

On motion of Mr. Meyers, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

On motion of Mr. Kennedy, duly seconded and carried, rules were suspended and Assembly Substitute for Assembly Bill No. 21 placed at top of file for immediate action.

#### GENERAL FILE AND THIRD READING

Assembly Substitute for Assembly Bill No. 21.

Remarks by Mr. Kennedy.

Roll-call on Assembly Substitute for Assembly Bill No. 21:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, and Whitmore—31.

NAYS—None.

Absent—Carpenter, Long, Stites, and Yeager—4.

Not voting—Laing and Mr. Speaker—2.

Mr. Speaker declared that Assembly Substitute for Assembly Bill No. 21, having received a constitutional majority, was passed.

On motion of Mr. Meyers, duly seconded and carried, the Assembly went into Committee of the Whole.

## HOUSE IN SESSION

At 3:30 p. m.

Mr. Speaker in the chair.

## REPORT OF COMMITTEE OF THE WHOLE

*Mr. Speaker:*

Your Committee of the Whole has had Assembly Bills Nos. 8 and 36 under consideration, and begs leave to report unfavorably on the same, with the recommendation that they do not pass.

Also, Assembly Bills Nos. 42, 98, and 112, and Senate Bills Nos. 89 and 102, and reports same favorably, with the recommendation that they do pass.

Alice S. Towle, *Chairman.*

On motion of Mr. Geraghty, duly seconded and carried, the Assembly adjourned until Wednesday, February 28, 1923, at 11 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), February 28, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Stites and Swanson, who were excused.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certify that bound copies of Assembly Bills Nos. 141, 142, 143, 144, 145, 146, 147, and Joint Resolution No. 12, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman.*

*Mr. Speaker:*

Your Committee on Military and Indian Affairs has had Assembly Bill No. 129 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Harry Swanson, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Substitute for Assembly Bill No. 44, which this day passed the Senate, as amended—Yeas, 17; nays, none.

Also, to present for your consideration Senate Bill No. 117, which this day passed—Yeas, 17; nays, none.

Also, Senate Bill No. 118, which this day passed—Yeas, 17; nays, none.

Also, Senate Bill No. 121, which this day passed—Yeas, 17; nays, none.

Also, Senate Bill No. 111, which this day passed, as amended—Yeas, 17; nays, none.

Also, to return Concurrent Resolution No. 9, which was adopted unanimously by the Senate.

Vivian Rickey,

*Assistant Secretary of the Senate.*

On motion of Mr. Whiteley, duly seconded and carried, the amendments offered by the Senate to Assembly Substitute for Assembly Bill No. 44 were concurred in.

### INTRODUCTION AND FIRST READING

By Mrs. Millar:

Assembly Bill No. 158—An Act authorizing the Boards of County Commissioners of the several counties in the State of Nevada under certain circumstances to divide the county into Commissioner Districts, providing for the election therefrom of members to the Board of County Commissioners, adopting a method for such procedure, pre-



scribing the qualifications of such Commissioners in the Commissioner Districts so established and fixing the term of office of the Commissioners elected, and repealing an Act entitled "An Act to define the manner of electing County Commissioners," approved February 21, 1893, being section 1531, Revised Laws of Nevada, 1912.

On motion of Mrs. Millar, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Counties and County Boundaries.

By Mr. Henderson :

Assembly Bill No. 159—An Act to regulate the fees of the County Clerk of Clark County, State of Nevada, and to repeal all other Acts and parts of Acts in conflict therewith.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Clark County Delegation.

By Mr. Kennedy :

Assembly Bill No. 160—An Act for the incorporation of Nevada Chapter of Sigma Alpha Epsilon Fraternity of the University of Nevada.

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

Senate Bill No. 111—An Act to create a Legislative Fund.

On motion of Mr. Meyers, 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. 117—An Act to authorize the Board of School Trustees of Kiernan School District No. 7, in the county of Lincoln, State of Nevada, to issue bonds for the construction and equipment of a schoolhouse in said district.

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

Senate Bill No. 118—An Act authorizing and directing the Board of County Commissioners of Lincoln County, State of Nevada, to issue bonds for the purpose of providing means for the erection and equipment of an addition to the county high-school building, in the town of Panaca, in said county of Lincoln, State of Nevada, and other matters in relation thereto.

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

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to incorporate the city of Tonopah, and to establish a city government therefor, and prescribing duties of county officers relative thereto," approved March 16, 1903.

On motion of Mr. Marsh, rules were suspended, reading so far had

considered first reading, rules further suspended, bill read second time by title, and referred to Nye County Delegation.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate concurred in the Assembly's amendments to Senate Bills Nos. 76 and 77.

Also, to present for your consideration Senate Joint Resolution No. 10, which this day passed the Senate—Yeas, 17; nays, none.

Also, Senate Bill No. 62, which passed, as amended—Yeas, 9; nays, 7; not voting, 1.

Also, Senate Bill No. 92, which passed, as amended—Yeas, 16; nays, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Joint Resolution No. 10, relative to the construction of Spanish Spring reservoir.

On motion of Miss Towle, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Irrigation.

By Mr. Kennedy:

Assembly Bill No. 161—An Act to protect the rights of creditors under attachment and execution upon property of debtors held under conditional sales contracts, and for other purposes.

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

Senate Bill No. 62—An Act to define, regulate, and license real-estate brokers and real-estate salesmen; to create a State Real Estate Board, and to provide a penalty for a violation of the provisions hereof.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Trade and Manufactures.

Senate Bill No. 96—An Act to amend section 17 of an Act entitled "An Act to amend an Act to provide certain correction, organization and maintenance of the Nevada State Police, and subscribe the acts and duties of the officers and members thereof, in maintaining peace and quiet, fixing the compensation, providing certain penalties, and other matters pertaining thereto, making an appropriation therefor, and repealing all Acts and parts of Acts in compliance therewith," approved January 29, 1908, as amended.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 115.

Remarks by Messrs Tandy, Jurich, Kennedy, Whiteley, Long, and Henderson.



Roll-call on Assembly Bill No. 115:

YEAS—Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Keough, Long, Marsh, Martin, Meyers, Miller, Patterson, Peterson, Robb, Tandy, Whiteley, Whitesides, and Whitmore—23.

NAYS—Carpenter, Jurich, Laing, and Love—4.

Absent—Stites and Swanson—2.

Not voting—Addenbrooke, Geraghty, Kennedy, Murphy, Nelson, Towle, Yeager, and Mr. Speaker—8.

Mr. Speaker declared that Assembly Bill No. 115, having received a constitutional majority, was passed.

Senate Bill No. 61.

The following amendments were offered by the Committee on Ways and Means: Strike out all of line 9, page 1, and insert in lieu thereof the words "Elko County Farm Bureau, Inc., all." Strike out all of section 3 and change section 4 to section 3.

On motion of Mr. Addenbrooke, duly seconded and carried, the amendments were adopted.

Remarks by Mr. Addenbrooke.

Roll-call on Senate Bill No. 61, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Hayes, Stites, and Swanson—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 61, having received a constitutional majority, was passed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Hayes, Stites, and Swanson, who were excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

The Elko County Delegation has had Assembly Bill No. 147 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Senate Bill No. 54 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

MARTIN P. GERAGHTY, *Chairman.*

*Mr. Speaker:*

Your Committee on Irrigation has had Senate Joint Resolution No. 10 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

GEO. G. HUSSMAN, *Chairman.*



*Mr. Speaker:*

Your Committee on Corporations and Railroads has had Senate Bill No. 103 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

E. C. MURPHY, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Senate Bill No. 85 and Assembly Bills Nos. 86, 141, 142, 143, 145, and Assembly Joint Resolution No. 12 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

Also, Senate Bill No. 63, and reports same favorably with the recommendation that it do pass with the attached amendments.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Mines and Mining has had Assembly Bill No. 133 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

J. M. HOULAHAN, *Chairman.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 72, which this day passed the Senate—Yeas, 14; nays, 2; absent, 1.

Also, to present for your consideration Senate Bill No. 78, which this day passed as amended—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 84, which this day passed—Yeas, 11; nays, 6.

Also, Senate Bill No. 116, which this day passed, as amended—Yeas, 17; nays, none.

Also, Senate Joint Resolution No. 7, which this day passed—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### MOTIONS AND RESOLUTIONS

Miss Towle moved, duly seconded, that Senate Joint Resolution No. 10 be declared an emergency measure, rules be suspended, and placed on top of file.

Remarks by Miss Towle and Messrs. Geraghty, Henrichs, Long, Peterson, Whiteley, Kennedy, and Jurich.

Mr. Long moved, duly seconded, that Senate Joint Resolution No. 10 be made a special order of business for Friday, March 2, at 2:45 p. m. Motion lost.

Original motion carried.

#### INTRODUCTION AND FIRST READING

By Committee on Labor:

Assembly Bill No. 162—An Act prohibiting notice of the existence of strikes by persons other than citizens of the State of Nevada, and providing a penalty for the violation thereof.

On motion of Mr. Geraghty, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

By Miss Gosse:

Assembly Bill No. 163—An Act to require the teaching of the Constitutions of the United States and of the State of Nevada in the public

and private schools and colleges of the State, and matters properly relating thereto.

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

By Mr. Whiteley:

Assembly Bill No. 164—An Act to repeal section 3, and to amend section 4 of an Act entitled "An Act to provide for civic and physical training and instruction in the high schools of Nevada, and matters properly connected therewith," approved March 21, 1917.

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

By Mr. Meyers:

Assembly Bill No. 165—An Act providing for the issuing of licenses to itinerant beggars, venders of small wares and others who are disabled or otherwise; to provide the necessary qualifications for obtaining license; to provide for the furnishing of information upon which license may be granted; prescribing the duties of the police authorities; providing for reports of the joint board for the administration of vocational rehabilitation as designated in section 4, chapter 200, of the Revised Statutes of 1921; and prescribing penalties for the violation of the Act.

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

By Senate and Assembly Joint Fish and Game Committee:

Assembly Bill No. 166—An Act to provide for the protection and preservation of fish, providing penalties for the violation thereof, and repealing all Acts or parts of Acts in conflict therewith.

On motion of Mr. Peterson, 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 Mr. Laing:

Assembly Bill No. 167—An Act to amend section 2 of an Act entitled "An Act relating to elections," approved March 24, 1917.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

Senate Bill No. 78—An Act to amend an Act entitled "An Act to regulate proceedings in criminal cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911, and to repeal all Acts and parts of Acts in conflict herewith.

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

Senate Bill No. 84—An Act to amend an Act entitled "An Act creating the office of State Engineer; making provision for con-



ducting same, and repealing sections 10 and 13 of the water law of Nevada which is identified by title in this Act," approved March 28, 1919.

On motion of Mr. Henderson, 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. 116—An Act to amend an Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of drainage districts, and to provide for the acquisition, repair and development of canals, drains, ditches, water-courses, and other property and for the distribution of water thereby for drainage purposes, and to provide for the levying of taxes, and for the issuance and sale of bonds therefor," approved March 31, 1913, as amended March 6, 1915, as amended March 29, 1915, as amended March 27, 1917, and as amended April 1, 1919.

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

Senate Bill No. 109—An Act to amend sections 487, 488, and 489 of an Act entitled "An Act to regulate proceedings in criminal cases in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911; being, respectively, sections 7337, 7338, and 7339, Revised Laws of Nevada, 1912.

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

Senate Joint Resolution No. 7, relative to the receivership of the State Bank and Trust Company.

On motion of Mrs. Hays, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Judiciary.

#### GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 10, relative to the construction of Spanish Spring reservoir.

The following amendments were offered by Mr. Long:

Amend "Whereas clause" of Senate Joint Resolution No. 10 by inserting after the word "and" in line 18 of said "Whereas clause," the following: "Whereas, on or about the 6th day of February, 1923, there was presented to the Newlands Project Irrigation Board a protest against the ratification of said contract, signed by over 400, out of approximately 760, water users of said district, unless sufficient electricity was retained by the Government under said contract for the use of the settlers on said project, so that such electricity could be sold to the settlers at a cost not exceeding 2 cents per kilowatt; and." Also, on page 2, line 10, after the word "completed" and before the semicolon, insert the following: "providing that the request contained in said protest and voted unanimously by the board of directors shall be contained in said contract."



Remarks by Messrs. Long and Whiteley, and Miss Towle.

Moved by Mr. Long, duly seconded, that amendment be adopted.

Messrs. Long, Peterson, and Whitmore called for roll-call on amendment.

Roll-call on amendment to Senate Joint Resolution No. 10, as offered by Mr. Long :

YEAS—Carpenter, Davison, Long, Peterson, and Whitmore—5.

NAYS—Addenbrooke, Garaventa, Geraghty, Gosse, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Love, Marsh, Martin, Millar, Murphy, Nelson, Patterson, Robb, Towle, Whiteley, and Yeager—23.

Absent—Hayes, Stites, and Swanson—3.

Not voting—Henderson, Laing, Meyers, Tandy, Whitesides, and Mr. Speaker—6.

Mr. Speaker declared that amendment to Senate Joint Resolution No. 10, as offered by Mr. Long, having failed to receive a majority, was lost.

Roll-call on Senate Joint Resolution No. 10 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—Long and Peterson—2.

Absent—Hayes, Stites, and Swanson—3.

Not voting—Tandy and Mr. Speaker—2.

Mr. Speaker declared that Senate Joint Resolution No. 10, having received a constitutional majority, was passed.

Assembly Bill No. 135.

Remarks by Mr. Patterson.

Roll-call on Assembly Bill No. 135 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Hussman, James, Jurich, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—None.

Absent—Hayes, Houlahan, Kennedy, Long, Stites, and Swanson—6.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 135, having received a constitutional majority, was passed.

Assembly Bill No. 88.

On motion of Mr. Love, duly seconded and carried, Assembly Bill No. 88 was made a special order of business for Monday, March 5, 1923, at 2 : 30 p. m.

Assembly Bill No. 138.

Remarks by Mr. Whiteley.

Roll-call on Assembly Bill No. 138 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Houlahan, Hussman, James, Jurich, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—None.

Absent—Hayes, Henrichs, Kennedy, Long, Stites, and Swanson—6.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 138, having received a constitutional majority, was passed.

Senate Joint Resolution No. 2 of the Thirtieth Session, relative to amending article 1 of the Constitution of the State of Nevada, by striking out section 16 thereof.

Remarks by Mr. Henderson.

Roll-call on Senate Joint Resolution No. 2 of the Thirtieth Session:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Love, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—None.

Absent—Hayes, Kennedy, Long, Stites, and Swanson—5.

Not voting—Marsh, Robb, and Mr. Speaker—3.

Mr. Speaker declared that Senate Joint Resolution No. 2 of the Thirtieth Session, having received a constitutional majority, was passed.

Senate Joint Resolution No. 4.

Remarks by Mr. Jurich.

On motion of Mr. Marsh, duly seconded and carried, Senate Joint Resolution No. 4 was indefinitely postponed.

Assembly Bill No. 140.

Remarks by Miss Towle.

Roll-call on Assembly Bill No. 140:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—None.

Absent—Davison, Hayes, Kennedy, Long, Murphy, Stites, and Swanson—7.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 140, having received a constitutional majority, was passed.

Assembly Bill No. 85.

Remarks by Mr. Jurich.

Roll-call on Assembly Bill No. 85:

YEAS—Davison, Garaventa, Geraghty, Hays, Hussman, James, Jurich, Keough, Marsh, Martin, Meyers, Millar, Murphy, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, and Whitmore—20.

NAYS—Carpenter and Love—2.

Absent—Hayes, Kennedy, Long, Stites, and Swanson—5.

Not voting—Addenbrooke, Gosse, Henderson, Henrichs, Houlahan, Laing, Nelson, Patterson, Yeager, and Mr. Speaker—10.

Mr. Speaker declared that Assembly Bill No. 85, having received a constitutional majority, was passed.

Assembly Bill No. 8.

Remarks by Mr. Jurich.

On motion of Mr. Love, duly seconded and carried, Assembly Bill No. 8 was indefinitely postponed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly adjourned at 5 p. m. until 11 a. m. Thursday, March 1, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



## THE FORTY-SIXTH DAY

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CARSON CITY (Thursday), March 1, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

Invocation by Rev. T. W. Bateman.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal was thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157 and Resolutions 13, 14, and 15, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Substitute for Assembly Bill No. 44 and Assembly Bill No. 72 with the engrossed copies, finds the same correctly enrolled, and has delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Roads and Highways has had Assembly Bills Nos. 93 and 157 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

H. J. LONG, *Chairman.*

*Mr. Speaker:*

Your Committee on Agriculture has had Assembly Bill No. 83 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Claims has had Senate Bill No. 16 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

J. D. YEAGER, *Chairman.*

*Mr. Speaker:*

The Lyon County Delegation has had Senate Bill No. 82 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

LYON COUNTY DELEGATION.

*Mr. Speaker:*

Your Committee on Fish and Game has had Senate Bill No. 18 under consideration, and begs leave to report unfavorably on the same, with the recommendation that it do not pass.

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

The Nye County Delegation has had Senate Bill No. 121 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

LOUISE M. HAYS, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 34, which passed the Senate, as amended, by the following vote: Yeas, 14; nays, 2; absent, 1.

Also, Assembly Bill No. 51, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 97, which passed—Yeas, 14; nays, none; absent, 3.

Also, Assembly Bill No. 101, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 104, which passed—Yeas, 11; nays, 6.

Also, Assembly Bill No. 107, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, to present Senate Bill No. 75, which passed as amended—Yeas, 15; nays, 2.

I have the honor to advise your honorable body that the Senate on February 28, 1923, concurred in the Assembly amendments to Senate Bill No. 61.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Love, duly seconded and carried, Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 34.

On motion of Mr. Kennedy, duly seconded and carried, Assembly concurred in the amendment offered by the Senate to Assembly Bill No. 107.

## INTRODUCTION AND FIRST READING

By Committee on Roads and Highways:

Assembly Bill No. 168—An Act to amend section 9 of an Act entitled "An Act regulating automobiles or motor vehicles in public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof, and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended and in what manner; to provide for the registration and issuing of number plates for vehicles; and repealing an Act entitled 'An Act to amend certain sections of an Act entitled "An Act regulating automobiles or motor vehicles on public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended, and in what manner, and repealing an Act of the same title approved March 24, 1913," approved March 24, 1915,' approved March 24, 1917, and repealing a certain section of a certain Act," approved March 25, 1921.

On motion of Mr. Long, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

By Mr. Peterson:

Assembly Bill No. 169—An Act to grant the right of way to H. B. Maxson, T. A. Brandon, H. H. Maxson and their associates and assigns, for the construction of a railroad from, at, or near the town of Winnemucca on the Central Pacific Railroad southerly to the intersection of the state-line between Nevada and California.



On motion of Mr. Peterson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

By Mr. Peterson:

Assembly Bill No. 170—An Act providing for official abstracts of title to lands; appointment of abstracting deputies; for surety bonds to be given by deputies when required; defining authority and power, and providing compensation of deputies for such work; and authorizing official certification of such work by deputies.

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

By Mr. Hayes:

Assembly Bill No. 171—An Act relating to paper-hanging.

On motion of Mr. Hayes, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

By Mr. Houlahan:

Assembly Bill No. 172—An Act to amend sections 517 and 518 of an Act entitled "An Act to regulate civil proceedings in this State, and to repeal all other Acts in relation thereto," approved March 17, 1911, being sections 5459 and 5460, Revised Laws of Nevada.

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

By Mr. Kennedy (by request):

Assembly Bill No. 173—An Act to amend sections 2164 and 2165 of an Act entitled "An Act defining the rights of husband and wife," approved March 10, 1873, and repealing certain Acts relating thereto.

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

Senate Bill No. 75—An Act to amend an Act entitled "An Act defining public utilities, providing for the regulation thereof, creating a Public Service Commission, defining its duties and powers, and other matters relating thereto," approved March 28, 1919.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 126.

Remarks by Mr. Whiteley.

Roll-call on Assembly Bill No. 126:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson,



Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 126, having received a constitutional majority, was passed.

Assembly Bill No. 36.

Mr. Laing moved, duly seconded, that Assembly Bill No. 36 be indefinitely postponed.

Remarks by Mr. Jurich.

Messrs. Marsh, Jurich, and Peterson asked for roll-call on motion of Mr. Laing :

YEAS—Carpenter, Garaventa, Geraghty, Gosse, Henderson, Hussman, Keough, Laing, Love, Murphy, Nelson, Patterson, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—18.

NAYS—Addenbrooke, Davison, Hayes, Hays, Henrichs, Houlahan, James, Jurich, Kennedy, Marsh, Martin, Meyers, Millar, Peterson, Robb, and Whitmore—16.

Absent—Long and Stites—2.

Not voting—Mr. Speaker.

Motion carried.

Assembly Bill No. 42.

The following amendment was offered by the Committee on Live Stock :

On page 2, section 3, line 22, strike out the words and figures "\$35,000" and insert in lieu thereof the words and figures "\$30,000."

On motion of Mr. Murphy, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Jurich, Meyers, Laing, Peterson, Whiteley, Love, Kennedy, and Yeager.

The following amendment was offered by Mr. Jurich: Add to section 3 the following: "*Provided, however,* that one-half of said amount shall be raised by the levy of taxes upon the cattle and sheep industry."

Mr. Jurich moved, duly seconded, to adopt the amendment.

Motion lost.

Roll-call on Assembly Bill No. 42, as amended :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Kennedy, Keough, Laing, Long, Love, Marsh, Murphy, Nelson, Patterson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—27.

NAYS—James, Jurich, Martin, Meyers, Millar, Peterson, Robb, and Swanson—8.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 42, having received a constitutional majority, was passed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Roads and Highways has had Senate Substitute for Senate Bill No. 28 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

Also, Assembly Bill No. 39, and reports a substitute for same, with the recommendation that the substitute be adopted and ordered printed.

H. J. LONG, *Chairman.*

*Mr. Speaker:*

Your Committee on Public Morals has had Assembly Bill No. 127 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

ROY W. MARTIN, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bill No. 137 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

W. M. KENNEDY, *Chairman.*

## MOTIONS AND RESOLUTIONS

On motion of Mr. Long, duly seconded, Senate Substitute for Senate Bill No. 28 and Substitute for Assembly Bill No. 39 were adopted.

Mr. Whiteley gave notice that on the following day he would introduce a resolution amending Assembly Rule No. 9.

## INTRODUCTION AND FIRST READING

By Mr. Geraghty:

Assembly Bill No. 174—An Act to prohibit prostitution, and other matters relating thereto.

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

By Mr. Houlahan:

Assembly Bill No. 175—An Act to amend section 36 of an Act entitled "An Act relating to elections," approved March 24, 1917.

On motion of Mr. Houlahan, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

By Mr. Meyers:

Assembly Bill No. 176—An Act to repeal an Act entitled "An Act relating to the payment of licenses for the operation of motors and vehicles, and other matters pertaining thereto," approved March 23, 1921.

On motion of Mr. Meyers, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

By Elko County Delegation:

Assembly Bill No. 177—An Act authorizing the Board of County Commissioners of the County of Elko, State of Nevada, to issue bonds to provide for the construction, equipment and furnishing of an Elko County Memorial Building, in the City of Elko, County of Elko, State of Nevada, to acquire a site therefor, and providing for the

authorization thereof by a special or general election before the issuance of any bonds, and authorizing the Board of County Commissioners of said county to acquire said site and to construct, equip, and furnish said building.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 112.

Remarks by Mr. Henrichs.

Roll-call on Assembly Bill No. 112:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 112, having received a constitutional majority, was passed.

Senate Bill No. 89.

Remarks by Mr. Henderson.

Roll-call on Senate Bill No. 89:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Kennedy and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 89, having received a constitutional majority, was passed.

Amendment to title of Senate Bill No. 89 offered by Mr. Henderson: Amend the title by changing the word "and" to "an" in line 4 of the title.

On motion of Mr. Henderson, duly seconded and carried, the amendment was adopted.

Assembly Bill No. 98.

Remarks by Messrs. Addenbrooke, Keough, and Nelson.

Roll-call on Assembly Bill No. 98:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Keough and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 98, having received a constitutional majority, was passed.



## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 49, which passed the Senate, as amended—Yeas, 13; nays, 2; absent, 2.

Also, Assembly Bill No. 43, which this day passed—Yeas, 17; nays, none.

Also, Assembly Bill No. 17, which this day passed the Senate, as amended—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Davison, duly seconded and carried, the Assembly concurred in Senate amendments to Assembly Bill No. 49.

On motion of Miss Towle, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 17.

## GENERAL FILE AND THIRD READING

Senate Bill No. 102.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 102, having received a constitutional majority, was passed.

Senate Bill No. 129.

On motion of Mr. Laing, duly seconded and carried, Senate Bill No. 129 was referred to Committee of the Whole.

Assembly Bill No. 147.

Remarks by Messrs. Patterson, Marsh, and Laing.

Roll-call on Assembly Bill No. 147:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 147, having received a constitutional majority, was passed.

Senate Bill No. 103.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Hayes, Henderson, Henrichs, Houlahan, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Hussman and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 103, having received a constitutional majority, was passed.

Senate Bill No. 54.

Remarks by Mr. Geraghty.

Roll-call on Senate Bill No. 54:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 54, having received a constitutional majority, was passed.

Senate Bill No. 85.

Remarks by Messrs. Martin, Kennedy, and Whiteley.

Roll-call on Senate Bill No. 85:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Henrichs and Stites—2.

Not voting—Geraghty, Nelson, and Mr. Speaker—3.

Mr. Speaker declared that Senate Bill No. 85, having received a constitutional majority, was passed.

Assembly Bill No. 86.

The following amendment was offered by Mr. Jurich, and, being duly seconded and carried, was adopted:

Amend section 10 by changing the word "compiled" to the word "complied" in line 21, page 3.

Remarks by Mr. Jurich.

Roll-call on Assembly Bill No. 86:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 86, having received a constitutional majority, was passed.

Assembly Bill No. 133.

Remarks by Messrs. Houlahan and Hayes.

Roll-call on Assembly Bill No. 133:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson,

Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Jurich, Kennedy, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 133, having received a constitutional majority, was passed.

Assembly Bill No. 141.

Remarks by Mr. Henderson.

Roll-call on Assembly Bill No. 141:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Murphy, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Jurich, Kennedy, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 141, having received a constitutional majority, was passed.

Assembly Bill No. 143.

The following amendment was offered by Mr. Long: Amend section 1 by striking out the word "ten" on page 1, line 10, and insert the word "thirty" in lieu thereof.

On motion of Mr. Long, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Bill No. 143:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Hayes, Jurich, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 143, having received a constitutional majority, was passed.

Assembly Bill No. 142.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Hayes, Jurich, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 142, having received a constitutional majority, was passed.

Senate Bill No. 63.

On motion of Mr. Henderson, duly seconded and carried, Senate Bill No. 63 was referred to Committee of the Whole.



## Assembly Bill No. 145.

Remarks by Mr. Nelson.

## Roll-call on Assembly Bill No. 145:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Jurich, Long, Love, and Stites—4.

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 145, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 12, proposing to amend section 20 of article 4 of the Constitution of the State of Nevada:

*Resolved by the Assembly, the Senate concurring.* That section 20 of article 4 of the Constitution of the State of Nevada be amended so as to read as follows:

SECTION 20. The Legislature shall not pass local or special laws in any of the following enumerated cases—that is to say:

Regulating the jurisdiction and duties of the Justices of the Peace and of Constables, and fixing their compensation;

For the punishment of crimes and misdemeanors;

Regulating the practice of courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

Vacating roads, town plots, streets, alleys, and public squares;

Summoning and empaneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers;

For the assessment and collection of taxes for state, county, and township purposes;

Providing for opening and conducting elections of state, county, or township officers, and designating the place of voting;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities.

Giving effect to invalid deeds, wills, or other instruments;

Refunding money paid into the state treasury, or into the treasury of any county;

Releasing the indebtedness, liability, or obligation of any corporation, association, or person to the State, or to any county, town, or city of this State; but nothing in this section shall be construed to deny or restrict the power of the Legislature to establish and regulate the compensation and fees of county officers, to authorize and empower the Boards of County Commissioners of the various counties of the State to establish and regulate the compensation and fees of township officers in their respective counties, to establish and regulate the rates of freight, passage, toll, and charge of railroads, toll-roads, ditch, flume, and tunnel companies incorporated under the laws of this State or doing business therein.

## Roll-call on Assembly Joint Resolution No. 12:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Jurich, Long and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 12, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

##### *To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 94, which passed, as amended—Yeas, 17; nays, none.

Also, Senate Bill No. 100, which this day passed, as amended—Yeas, 17; nays, none.

Also, Senate Bill No. 105, which this day passed, as amended—Yeas, 17; nays, none.

Also, Senate Bill No. 107, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 110, which this day passed, as amended—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 94—An Act to amend an Act entitled "An Act regulating the fiscal management of counties, cities, towns, school districts, and other governmental agencies," approved March 22, 1917, and all Acts and parts of Acts amendatory thereof and supplementary thereto.

On motion of Mr. Henderson, 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. 100—An Act to authorize, empower and direct the Board of County Commissioners of Humboldt County, Nevada, to issue bonds to provide funds for constructing and improving roads and highways and constructing bridges in Humboldt County, Nevada.

On motion of Mr. Peterson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Humboldt County Delegation.

Senate Bill No. 105—An Act relating to the recording of instruments in the offices of the various County Recorders of the State of Nevada, and other matters relating thereto.

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

Senate Bill No. 107—An Act supplemental to the Volstead Act as adopted in this State and relating to searches and seizures; providing for the violation of this Act.

On motion of Mr. Henderson, 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 Bill No. 110—An Act authorizing and directing County Boards of Education and Boards of County Commissioners to provide certain funds to aid district high schools and to include in the tax levy for high schools provision for the necessary funds, and other matters properly connected therewith.

On motion of Mr. Whiteley, 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.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly adjourned until 10 a. m. Friday, March 2, 1923.

Approved:

JAMES M. LOCKHART,  
*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,  
*Chief Clerk of the Assembly.*



## THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 2, 1923.

Assembly called to order at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Long and Stites, who were excused.

Members of the Senate arrived to meet in Joint Session.

### IN JOINT SESSION

At 10 a. m. the Senate and Assembly met in Joint Session, as called for by Assembly Concurrent Resolution No. 9.

Lieutenant-Governor Maurice J. Sullivan, President of the Senate, presiding.

Prayer by the Chaplain, Rev. H. W. Hunter.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators:

Present—Senators Bulmer, Chapin, Cowles, Dressler, Fairchilds, Fitzgerald, Fletcher, Getchell, Meder, Miller, Penrose, Scott, Sheehan, Smith, Sprague, Uniacke, Vencill, and Mr. President.

The Assembly roll was called, and the following Assemblymen answered to their names:

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker.

Absent—Long and Stites.

Assembly Concurrent Resolution No. 9, pertaining to reports of Investigating Committee concerning Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada:

*Be it resolved by the Assembly, the Senate concurring.* That the reports of the Investigating Committee concerning Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, be submitted for consideration and discussion to a Joint Session of the Senate and Assembly to be held for that purpose on Friday, the 2d day of March, at the hour of 10 a. m.

Mr. Kennedy moved, duly seconded, that the report of the Joint Committee be read:

#### MAJORITY REPORT

The committee which has had under consideration the complaint against the Hon. C. J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, recommends that the complaint be dismissed for the reason that in the judgment of the committee the Legislature lacks jurisdiction to remove the aforesaid Judge, because it appears from the complaint mentioned that practically every material offense charged against the said Judge is alleged therein to have occurred prior to the time the said Judge qualified for and entered upon his present term of office.

The committee makes no findings as to the truth or falsity of any of the allegations set forth in the complaint.

W. M. KENNEDY, *Chairman.*

## MINORITY REPORT

In view of the position taken by a majority of the members of this committee to the effect that it has no jurisdiction to investigate the offenses contained in the complaint charging Clarence J. McFadden, Judge of the Ninth Judicial District Court, with malfeasance, nonfeasance, and misfeasance in office, by reason of the fact that said offenses were committed prior to his present term of office, with which opinion of the law the undersigned, minority members, do not concur, and in view of the further fact that the charges, if proven, constitute sufficient grounds justifying the removal from office of the said Clarence J. McFadden, therefore your minority members of this committee recommend the adoption by the Senate and Assembly of the following resolution:

*Resolved by the Assembly, the Senate concurring.* That the Attorney-General be, and he is hereby, directed to prepare and serve not later than Monday, March 5, 1923, a formal complaint for the removal of Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, upon the grounds stated and contained in the complaint of Anthony Jurich and any other ground that may appear well founded; and be it further

*Resolved.* That, in accordance with the provisions of section 3, article 7 of the Constitution of the State of Nevada, as soon as said complaint is prepared, the reasonable cause contained therein for the removal of said District Judge be entered on the Journals of each house; that a copy of said complaint be thereupon personally served on said Judge, and that a day be fixed when he shall have an opportunity of being heard in person or by counsel in his defense and a trial had upon said charges.

ANTHONY JURICH,  
W. A. MARSH.

Mr. Kennedy moved, duly seconded, that the majority report of the Joint Committee be adopted.

Senator Meder moved, duly seconded, that the minority report of the Joint Committee be adopted.

Remarks by Messrs. Meder, Marsh, Jurich, Kennedy, Scott, Tandy, Sprague, and Houlahan.

Senator Scott moved to amend the amendment so that it will read: "We believe there is merit in both reports, but, on account of the fact that we have a purely legal question before us, we refer the matter to the Attorney-General of this State for further investigation, and, if he should find there is reason to believe the charges are true and are such as may properly be brought in a court of this State, that he then institute court proceedings to determine the truth or falsity of the charges."

Senator Sprague seconded Senator Scott's motion.

On motion of Senator Fitzgerald, duly seconded, the Joint Session took a recess until 1:30 p. m.

## IN JOINT SESSION

Joint Session of Assembly and Senate called to order at 1:30 p. m. President Sullivan of the Senate in the chair.

Roll-call by Secretary of Senate:

Present—Senators Bulmer, Chapin, Cowles, Dressler, Fairchild, Fitzgerald, Fletcher, Getchell, Meder, Miller, Penrose, Scott, Sheehan, Smith, Sprague, Uniacke, and Vencill.



Roll-call by Clerk of the Assembly:

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker.

Absent—Long and Stites.

Remarks by Messrs. Whiteley, Lockhart, Jurich, Meder, and Fitzgerald.

Senator Fitzgerald arose to a point of order.

Assembly Concurrent Resolution No. 9 read.

Moved by Senator Fitzgerald that Joint Session be dissolved.

Carried.

Joint Session dissolved at 2:02 p. m.

### HOUSE IN SESSION

Assembly called to order at 2:05 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Long and Stites, who were excused.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 158, 159, 160, 161, 162, and 163, hereto attached, are correct copies of the triplicates in its possession.

Alice S. Towle, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 51, 104, 107, and 97 with the engrossed copies, finds the same correctly enrolled, and has delivered the same to the Governor.

Webster Patterson, *Chairman.*

*Mr. Speaker:*

Your Committee on Irrigation has had Assembly Bill No. 40 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

George G. Hussman, *Chairman.*

Mr. Jurich moved, duly seconded and carried, that the Assembly consider the report of the Investigation Committee on the charges against Judge McFadden:

### MAJORITY REPORT OF COMMITTEE

The committee which has had under consideration the complaint against the Hon. C. J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, recommends that the complaint be dismissed for the reason that, in the judgment of the committee, the Legislature lacks jurisdiction to remove the aforesaid Judge, because it appears from the complaint mentioned that practically every material offense charged against the said Judge is alleged therein to have occurred prior to the time the said Judge qualified for and entered upon his present term of office.



The committee makes no findings as to the truth or falsity of any of the allegations set forth in the complaint.

W. M. KENNEDY, *Chairman*.

#### MINORITY REPORT OF COMMITTEE

In view of the position taken by a majority of the members of this committee to the effect that it has not jurisdiction to investigate the offenses contained in the complaint charging Clarence J. McFadden, Judge of the Ninth Judicial District Court, with malfeasance, nonfeasance, and misfeasance in office, by reason of the fact that said offenses were committed prior to his present term of office, with which opinion of the law the undersigned, minority members, do not concur, and, in view of the further fact that the charges, if proven, constitute sufficient grounds justifying the removal from office of the said Clarence J. McFadden, therefore your minority members of this committee recommend the adoption by the Senate and Assembly of the following resolution:

*Resolved by the Assembly, the Senate concurring.* That the Attorney-General be and he is hereby directed to prepare and serve not later than Monday, March 5, 1923, a formal complaint for the removal of Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, upon the grounds stated and contained in the complaint of Anthony Jurich and any other ground that may appear well founded; and be it further

*Resolved.* That in accordance with the provisions of section 3, article 7 of the Constitution of the State of Nevada, as soon as said complaint is prepared, the reasonable cause contained therein for the removal of said District Judge be entered on the Journals of each house; that a copy of said complaint be thereupon personally served on said Judge, and that a day be fixed when he shall have an opportunity of being heard in person or by counsel in his defense and a trial had upon said charges.

ANTHONY JURICH,  
W. A. MARSH.

Mr. Marsh moved, duly seconded, that the Assembly adopt the minority report of the Investigating Committee.

Remarks by Messrs. Kennedy, Tandy, Jurich, Marsh, and Peterson.

Mr. Speaker declared that the time had arrived for special order of business set for Friday, March 2, 1923, at 2:30 p. m.

Moved by Mr. Jurich, duly seconded and carried, that special order of business set for 2:30 be postponed until 3 p. m.

Mr. Addenbrooke moved to amend motion made by Mr. Marsh, and that the Assembly invite the Senate to meet in Joint Session, March 5, 1923, at 10 a. m., and that Judge McFadden be invited to appear in person, or by counsel.

Amendment lost.

Messrs. Whitmore, Jurich, and Marsh asked for a roll-call on original motion to adopt minority report.

Roll-call on motion to adopt minority report of joint committee on charges against Clarence J. McFadden:

YEAS—Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Hussman, James, Jurich, Keough, Laing, Marsh, Martin, Meyers, Patterson, Peterson, Robb, Whitesides, and Whitmore—19.

NAYS—Addenbrooke, Geraghty, Henderson, Heinrichs, Houlihan, Kennedy, Love, Millar, Murphy, Nelson, Swanson, Tandy, Towle, Whiteley, and Yeager—15.

Absent—Long and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that the minority report of the Investigating Committee on charges against Clarence J. McFadden, having received a constitutional majority, was adopted.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Clark County Delegation has had Assembly Bill No. 159 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. S. HENDERSON,  
ROY W. MARTIN.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 13, which passed the Senate, as amended—Yeas, 17; nays, none.

Also, Assembly Bill No. 57, which passed, as amended—Yeas, 17; nays, none.

Also, Assembly Bill No. 66, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 78, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 108, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 111, which passed, as amended—Yeas, 16; nays, none; not voting, 1.

Also, Assembly Bill No. 114, which passed, as amended—Yeas, 17; nays, none.

Also, Assembly Bill No. 119, which passed—Yeas, 17; nays, none.

Also, Assembly Bill No. 123, which passed—Yeas, 17; nays, none.

Also, to present for your consideration Senate Bill No. 128, which passed the Senate—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,  
*Assistant Secretary of the Senate.*

On motion of Mr. Henderson, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 13.

On motion of Mr. Henderson, duly seconded and carried, the Assembly concurred in the amendments to Assembly Bill No. 57, as offered by the Senate.

On motion of Mr. Henderson, duly seconded and carried, the Assembly concurred in the amendments to Assembly Bill No. 66, as offered by the Senate.

On motion of Mr. Henderson, duly seconded and carried, the Assembly concurred in the amendments to Assembly Bill No. 108, as offered by the Senate.

On motion of Mr. Addenbrooke, duly seconded and carried, the Assembly refused to concur in amendment to Assembly Bill No. 111, as offered by the Senate.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly concurred in the amendment to Assembly Bill No. 114, as offered by the Senate.

#### MOTIONS AND RESOLUTIONS

By Mr. Addenbrooke:

Assembly Concurrent Resolution No. 10:

WHEREAS, Typographical errors appear in enrolled Assembly Bill No. 101, which has been delivered to the Enrolling Committee, be it



*Resolved by the Assembly the Senate concurring,* That said bill be requested returned to the Assembly, and when so returned the Enrollment Committee be and hereby is authorized to correct as follows:

Section 10a, page 8, line 28, strike the words "of if" to read "or if."

Section 10b, page 21, line 6, strike out the word "or" where it is duplicated, also on page 25, line 22, in section 10f, the word "thereof" to be inserted and "threeof" stricken out.

Mr. Addenbrooke moved, duly seconded and carried, that resolution be adopted.

By Mr. Whiteley:

Assembly Resolution No. 13.

*Resolved,* That Assembly standing rule No. 9, be, and the same is hereby, amended to read as follows:

Bills appropriating money may be considered in Committee of the Whole House upon the request of any three Assemblymen, but must in all cases be first considered by a Standing Committee of the Assembly.

Mr. Whiteley moved, duly seconded and carried, that the resolution be adopted.

#### INTRODUCTION AND FIRST READING

By Mr. Jurich:

Assembly Joint Resolution No. 16, proposing to amend section 1 of article 15 of the Constitution of the State of Nevada:

*Resolved by the Assembly, the Senate concurring,* That section 1 of article 15 of the Constitution of the State of Nevada be amended to read as follows:

SECTION 1. That the seat of government of the State of Nevada shall be at Reno, Nevada.

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

On motion of Mr. Meyers, the special order was vacated, and Assembly Bill No. 99 was placed at the top of the file.

By Messrs. Love and Hussman:

Assembly Bill No. 178—An Act to amend an Act entitled "An Act to provide for the appointment of a State Auditor, fix his compensation, prescribe his duties; to inspect and audit public accounts and to establish a uniform system of public accounting, cost-keeping and reporting, and matters relating thereto, and to repeal certain Acts and parts of Acts in conflict herewith," approved March 10, 1917.

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

By Miss Towle:

Assembly Bill No. 179—An Act to provide uniform and standard work under state supervision for private schools in this State, and matters properly relating thereto.

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



By Elko County Delegation:

Assembly Bill No. 180—An Act to authorize the Board of County Commissioners of the county of Elko to levy a special tax annually for the support of the Elko County Fair, to provide for the payment of the proceeds of such tax levy, and other matters in connection therewith.

On motion of Mr. Patterson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Elko County Delegation.

By Washoe County Delegation:

Assembly Bill No. 181—An Act relating to public health and providing for the examination, certification and registration of plumbers, prescribing powers and duties of the State Board of Health and county health officers in reference thereto, and penalties for a violation of the provisions hereof.

On motion of Mr. Addenbrooke, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Trade and Manufactures.

By Mr. Addenbrooke:

Assembly Bill No. 182—An Act to amend certain sections of an Act entitled "An Act regulating the registration of electors for general, special, and primary elections," approved March 27, 1917.

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

By Mr. Addenbrooke:

Assembly Bill No. 183—An Act to amend sections 1, 2, 16, 18, and 19 of an Act entitled "An Act in relation to public revenues, creating the Nevada Tax Commission and the State Board of Equalization, defining their powers and duties, and matters relating thereto, and repealing all Acts and parts of Acts in conflict herewith," approved March 23, 1917, as amended March 27, 1919.

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

By Mr. Swanson:

Assembly Bill No. 184—An Act to provide for the protection and preservation of fur-bearing animals, providing penalties for the violation thereof, and repealing all Acts or parts of Acts in conflict therewith.

On motion of Mr. Swanson, 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 Mr. Swanson:

Assembly Bill No. 185—An Act to provide for the protection and preservation of game and wild birds, providing penalties for the viola-

tion thereof, and repealing all Acts or parts of Acts in conflict therewith.

On motion of Mr. Swanson, 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 Mr. Meyers:

Assembly Bill No. 186—An Act authorizing and empowering the Boards of County Commissioners of the State of Nevada, and each of them, to impose a sales tax upon certain dealers in gasoline, within their respective counties.

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

By Mr. Whiteley:

Assembly Bill No. 187—An Act to amend section 69 of an Act entitled "An Act providing for the incorporation of cities, their classification, the establishment and alteration of their boundaries, the government and disincorporation thereof, and repealing all Acts and parts of Acts in conflict therewith," approved March 27, 1907, being section 835, Revised Laws of Nevada, 1912.

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

By Mr. Whiteley:

Assembly Bill No. 188—An Act to authorize the State Board of Education to grant special certificates for rural education, and matters properly relating thereto.

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

By Committee on Education:

Assembly Bill No. 189—An Act to amend sections 5, 6, 13, 17, 19, 23, 24, 27, 29, 30, 32, 102, 151, 152, 171, 178, and to repeal section 34 of an Act entitled "An Act concerning public schools and repealing certain Acts relating thereto," approved March 20, 1911, as amended.

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

By Mr. Henderson:

Assembly Bill No. 190—An Act to amend section 20 of an Act entitled "An Act to establish Commissioner Districts in the county of Clark, and providing for the election therefrom of members of the Board of County Commissioners," approved March 15, 1915.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Clark County Delegation.

By Mr. Geraghty:

Assembly Bill No. 191—An Act to provide for the construction and



equipment of a junior high-school and primary-school buildings in the city of Sparks, Washoe County, Nevada, the holding of an election, the issuing of bonds and the levying of a tax therefor.

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

By Mr. Garaventa:

Assembly Bill No. 192—An Act regulating and fixing the fees and compensation of Coroners in the State of Nevada.

On motion of Mr. Garaventa, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Counties and County Boundaries.

By Mr. Addenbrooke:

Assembly Bill No. 193—An Act to authorize and empower the Boards of County Commissioners of certain counties of this State to employ appraisers of property in order to equalize property valuations for purposes of taxation.

On motion of Mr. Addenbrooke, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

By Mr. Nelson:

Assembly Bill No. 194—An Act to authorize and empower the Boards of County Commissioners of the various counties of this State to pay claims for damages in certain cases.

On motion of Mr. Nelson, 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 Miss Gosse:

Assembly Bill No. 195—An Act to amend section 6 of an Act entitled "An Act to create a State Board of Health, defining their duties, prescribing the manner of the appointments of its officers, fixing their compensation, making an appropriation for the support of said board, establishing County Boards of Health, requiring certain statements to be filed, defining certain misdemeanors and providing penalties therefor, and other matters relating thereto," approved March 27, 1911.

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

By Mr. Nelson:

Assembly Bill No. 196—An Act authorizing any bank or trust company, incorporated under the laws of this State, to purchase and hold stock in any federal joint-stock land bank, or in any corporation organized under the provisions of the "Federal Agricultural Act," or under the provisions of any similar Act or Acts that may be passed by the Congress of the United States.

On motion of Mr. Nelson, rules were suspended, reading so far had



considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Banks and Banking.

By Mr. Marsh:

Assembly Bill No. 197—An Act making an appropriation to provide certain cement walks in the Capitol grounds.

On motion of Mr. Marsh, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Internal Improvements.

By Mr. Nelson (by request):

Assembly Bill No. 198—An Act to amend section 18 of an Act entitled "An Act relating to officers, their qualifications, times of election, terms of office, official duties, resignations, removals, vacancies in office and the mode of supplying the same, misconduct in office, and to enforce official duty," approved March 9, 1866, being section 2782, Revised Laws of Nevada.

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

Senate Bill No. 128—An Act to promote the efficiency of the Nevada National Guard and to conform to the military laws of the United States.

On motion of Mr. Whitmore, 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.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 99.

On motion of Mr. Henderson, Assembly Bill No. 99 was placed at the bottom of the file.

Assembly Bill No. 83.

The following amendment was offered by the Committee on Agriculture: Add an additional section to be known as section 2 and to read as follows: "This Act shall take effect on and after March 1, 1924."

On motion of Mr. Marsh, duly seconded and carried, the amendment offered by Committee on Agriculture was adopted.

Remarks by Mr. Marsh.

Roll-call on Assembly Bill No. 83, as amended.

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Jurich, Long, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 83, having received a constitutional majority, was passed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly adjourned at 5:20 p. m. until 10 a. m. Saturday, March 3, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FORTY-EIGHTH DAY

CARSON CITY (Saturday), March 3, 1923.

Assembly called to order at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Addenbrooke, Geraghty, Kennedy, Laing, Long, Stites, and Whitesides.

Invocation by Rev. T. W. Bateman.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 165, 166, and 167, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 34, 49, and 17 with the engrossed copies, finds the same correctly enrolled, and has delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Fish and Game has had Assembly Bill No. 166 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

The Lincoln County Delegation has had Senate Bill No. 117 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

H. E. LOVE, *Chairman.*

*Mr. Speaker:*

Your White Pine County Delegation has had Assembly Bills Nos. 91, 92, and 144 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

GEORGE A. WHITELEY, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate on March 2, 1923, adopted the minority report of the Judiciary Committee of the Assembly and Special Committee of the Senate, on the McFadden case, by the following vote: Yeas, 9; nays, 3; absent, 1; not voting, 4.

Also, to advise your honorable body that the Senate on March 2, 1923, concurred in the Assembly's amendment to Senate Bill No. 89.

Also, to return Assembly Joint Resolution No. 9, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 89, which passed—Yeas, 15; nays, none; absent, 2.

Also, to present for your consideration Senate Bill No. 106, which passed—Yeas, 16; nays, none; absent, 1.



Also, Assembly Bill No. 112, which passed, as amended—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,  
*Assistant Secretary of the Senate.*

On motion of Mr. Henderson, duly seconded and carried, the Assembly concurred in the Senate amendment to Assembly Joint Resolution No. 9.

#### MOTIONS AND RESOLUTIONS

By Mr. Jurich:

Assembly Concurrent Resolution No. 11, fixing date of hearing the proceedings for the removal of Clarence J. McFadden, designating the manner in which the presiding officer shall be selected, and prescribing rules covering the hearing:

WHEREAS, The Assembly and Senate ordered and directed that the Attorney-General prepare and serve a formal complaint for the removal of Clarence J. McFadden, Judge of the Ninth Judicial District Court, and, as soon as said complaint is prepared, that the reasonable cause contained therein for the removal of said Judge be entered on the Journals of each house, and that a copy of said complaint be thereupon personally served on said Judge, and that a day of trial be fixed:

*Resolved by the Assembly, the Senate concurring.* That a joint session of the Senate and Assembly be and the same is hereby called to convene in the Assembly Chamber at the hour of 10 o'clock a. m., Monday, March 12, 1923, for the hearing of the proceedings for the removal of Clarence J. McFadden as Judge of the Ninth Judicial District Court of the State of Nevada, in and for White Pine County, at which session the joint body shall select the presiding officer; and be it further

*Resolved.* That the following rules, hereby agreed to, shall govern such hearing, proceedings, and session, to wit:

1. The Attorney-General is hereby authorized and directed to present the complaint and conduct the case alleged therein; and said Clarence J. McFadden shall have an opportunity of being heard in person, or by counsel, in his defense:

2. The admission or rejection of evidence shall, as nearly as may be, be in accordance with the rules of evidence in ordinary legal proceedings in a court of record; and

3. The presiding officer shall administer the oath to the witnesses; he shall rule on all questions of evidence and incidental questions, including the order and time of the arguments of the respective counsel, which rulings shall stand as the judgment of the session; and he shall appoint competent reporters and fix their compensation, hereby made payable out of the Legislative Fund, for reporting the proceedings.

4. No visitors shall be admitted to the floor during the hearing.

On motion of Mr. Jurich, duly seconded and carried, the resolution was adopted.

#### INTRODUCTION AND FIRST READING

Mr. Jurich moved, duly seconded, that Assembly Resolution No. 12 be suspended until Saturday and Monday.

Motion carried.

By Mr. Martin:

Assembly Bill No. 199—An Act to amend section 2 of an Act entitled "An Act regulating the practice of medicine, surgery, and obstetrics in the State of Nevada; providing for the appointment of a State Board of Medical Examiners and defining their duties; providing for the issuing of licenses to practice medicine; defining the practice of medicine; defining certain misdemeanors and providing

penalties, and repealing all other Acts, or parts of Acts, in conflict therewith," approved March 4, 1905, being section 2359 of Revised Laws of Nevada, 1912.

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

By Mr. Meyers:

Assembly Bill No. 200—An Act to provide for the fixing and imposing a license fee for the privilege of fishing, hunting and trapping within the State of Nevada and for other purposes in relation thereto, providing penalties for the violation of the provisions of this Act, and repealing all Acts or parts of Acts in conflict therewith.

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

Senate Bill No. 106—An Act to amend an Act entitled "An Act providing a general corporation law," approved March 16, 1903.

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

Senate Bill No. 112—An Act to establish free employment agencies within the State, providing for the management and regulation of such agencies, providing a penalty for the violation of such regulations, authorizing cooperation with the Federal Government in the establishment and maintenance of such agencies, and providing an appropriation to carry out the provisions of this Act.

On motion of Mr. Swanson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 93 (reprint).

On motion of Mr. Whiteley, duly seconded, Assembly Bill No. 93 was made a special order of business for Monday, March 5, at 11 a. m.

Senate Bill No. 16.

Remarks by Mr. Whiteley.

On motion of Mr. Whiteley, duly seconded and carried, Senate Bill No. 16 was referred to Committee of the Whole.

Senate Bill No. 82.

Remarks by Mr. Henrichs.

Roll-call on Senate Bill No. 82:

YEAS—Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—None.

Absent—Addenbrooke, Geraghty, Kennedy, Laing, Long, Stites, and Whitesides—7.

Not voting—Mr. Speaker.



Senate Bill No. 82, having received a constitutional majority, was declared passed.

Senate Bill No. 121.

Remarks by Mrs. Hays.

Roll-call on Senate Bill No. 121:

YEAS—Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Keough, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—28.

NAYS—None.

Absent—Addenbrooke, Garaventa, Henrichs, Geraghty, Kennedy, Laing, Love, Stites, and Whitesides—8.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 121, having received a constitutional majority, was passed.

Senate Substitute for Senate Bill No. 18.

On motion of Mr. Swanson, duly seconded and carried, Senate Substitute for Senate Bill No. 18 was made a special order of business for 2:45 p. m., Monday, March 5, 1923.

Assembly Bill No. 157.

Remarks by Messrs. Davison, Swanson, Meyers, Marsh, Keough, Martin, and Love.

Mr. Keough moved, duly seconded, that Assembly Bill No. 157 be made a special order of business for Monday, March 5, 1923 at 3 p. m.

Motion lost.

The following amendment was offered by Mr. Swanson:

Strike out all that part of line 8, page 1, beginning with the word "within" and ending with the word "State" in line 9, and insert in lieu thereof the words "wholly or in part upon macadam or cemented highways."

Moved by Mr. Swanson, duly seconded, that amendment be adopted.

Motion lost.

Remarks by Messrs. Whiteley, Swanson, Jurich, and Keough.

Roll-call on Assembly Bill No. 157:

YEAS—Carpenter, Davison, Garaventa, Gosse, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—23.

NAYS—Hayes, Keough, Love, and Marsh—4.

Absent—Addenbrooke, Geraghty, Kennedy, Laing, Long, Stites, and Whitesides—7.

Not voting—Hays, Robb, and Mr. Speaker—3.

Mr. Speaker declared that Assembly Bill No. 157, having received a constitutional majority, was passed.

Senate Substitute for Senate Bill No. 28.

The Committee on Roads and Highways offered the following amendments: Strike out all of sections 1 and 3; change section 2 to read "section 1"; amend title of the bill by inserting after the word "amend" in line 1 of the title, the words "section 7 of."

On motion of Mr. Garaventa, duly seconded and carried, amendments to Senate Substitute for Senate Bill No. 28 were adopted.



Roll-call on Senate Substitute for Senate Bill No. 28, as amended :

YEAS—Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, Hussman, James, Jurich, Keough, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whitmore, and Yeager—28.

NAYS—None.

Absent—Addenbrooke, Geraghty, Kennedy, Laing, Long, Stites, and Whitesides—7.

Not voting—Whiteley and Mr. Speaker—2.

Mr. Speaker declared that Senate Substitute for Senate Bill No. 28, having received a constitutional majority, was passed.

The Speaker asked Mrs. Hays to take the chair.

Mrs. Hays in the chair.

Assembly Bill No. 127.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 127 was indefinitely postponed.

Assembly Bill No. 137.

The following amendment was offered by Mr. Lockhart: In section 1 strike out the words "or ever resided" in lines 12 and 13, page 2.

On motion of Mr. Lockhart, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Swanson.

Roll-call on Assembly Bill No. 137, as amended :

YEAS—Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, Hussman, James, Jurich, Keough, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—29.

NAYS—None.

Absent—Addenbrooke, Geraghty, Kennedy, Laing, Long, Stites, and Whitesides—7.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 137, having received a constitutional majority, was passed.

Assembly Bill No. 99.

On motion of Mr. Nelson, duly seconded and carried, Assembly Bill No. 99 was made a special order of business for Monday, March 5, 1923, at 11:30 a. m.

Assembly Bill No. 159.

The following amendment to Assembly Bill No. 159, offered by Mr. Henderson, was adopted: In section 1 change the word "or" between the words "charged" and "collected" to "and," line 14, page 4.

Remarks by Mr. Henderson.

Roll-call on Assembly Bill No. 159, as amended :

YEAS—Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, Hussman, James, Jurich, Keough, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—28.

NAYS—None.

Absent—Addenbrooke, Geraghty, Kennedy, Laing, Love, Stites, and Whitesides—8.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 159, having received a constitutional majority, was passed.

Assembly Bill No. 40.

The following amendments were offered by the Committee on Irrigation: On page 2, line 31, after the word "cast" insert the following sentence: "No person shall vote as proxy for more than one freeholder." On page 3, line 2, after the word "board" strike out the words and sentence: "No person who is ineligible to citizenship shall be entitled to vote at any election."

On motion of Mr. Hussman, duly seconded and carried, the amendments were adopted.

Remarks by Mr. Carpenter.

Roll-call on Assembly Bill No. 40, as amended:

YEAS—Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, Hussman, James, Jurich, Keough, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—28.

NAYS—None.

Absent—Addenbrooke, Geraghty, Kennedy, Laing, Long, Love, Stites, and Whitesides—8.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 40, having received a constitutional majority, was passed.

On motion of Mr. Henderson, duly seconded and carried, the Assembly adjourned until 11 a. m. Monday, March 5, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FIFTIETH DAY

CARSON CITY (Monday), March 5, 1923.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Long and Stites, who were excused.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Whiteley, duly seconded and carried, special order of business set for Monday, March 5, 1923, at 11 a. m. was vacated, and made special order of business for Tuesday, March 6, 1923, at 2:30 p. m.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### PRESENTATION OF PETITIONS

*To the Honorable the Assembly:*

The Nevada Highway Association and the Reno Motor Car Dealers Association hereby extend an invitation to the members of the Assembly to attend a luncheon at Reno, Nevada, on Tuesday, March 6, on the occasion of the visit of Governors Richardson of California and Mabey of Utah and the California Highway Commission, the luncheon to be followed with a showing at the Wigwam Theater of the film "The Changing Road." The luncheon hour will be 1 p. m.

Automobiles for transportation from Carson City and return of all who can accept the invitation will be provided by these associations.

NEVADA HIGHWAY ASSOCIATION.

RENO MOTOR CAR DEALERS ASSOCIATION.

Remarks by Messrs. Addenbrooke, Laing, Yeager, Whiteley, and Jurich.

On motion of Mr. Jurich, duly seconded and carried, the invitation was accepted.

A resolution from the Nevada State Federation of Labor opposing any reduction in the salary of the President of the University of Nevada was read.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 168, 170, 171, 173, 174, 176, and 177, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman.*

*Mr. Speaker:*

Your Committee on Corporations and Railroads has had Assembly Bill No. 169 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

E. C. Murphy, *Chairman.*

*Mr. Speaker:*

Your Committee on Trade and Manufactures has had Assembly Bill No. 155 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.



Also, Senate Bill No. 62 under consideration, and reports same favorably, with the recommendation that it do pass, as amended.

J. P. WHITMORE, *Chairman*.

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Bill No. 111 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

B. R. ADDENBROOKE, *Chairman*.

*Mr. Speaker:*

The Washoe County Delegation has had Assembly Bill No. 152 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 1, and reports same favorably, with the recommendation that it do pass, with the attached amendment.

B. R. ADDENBROOKE, *Chairman*.

#### MESSAGES FROM THE GOVERNOR

*To the Honorable the Assembly:*

I herewith return, without my approval, Assembly Joint Resolution No. 10, which recommends the elimination of tax-exempt securities.

This resolution is essentially an unqualified recommendation that all bonds issued by the State of Nevada and its political subdivisions shall be taxed by the Federal Government.

An amendment to the Federal Constitution providing for the elimination of tax-exempt securities would certainly have the effect of depreciating the value of all future issues of state, county and municipal bonds. The enactment of such an amendment should be most vigorously resisted as an unwarranted invasion of the rights of the State.

I cannot agree with the contention that such taxation is justified because wealthy persons might buy tax-free securities to escape payment of federal income taxes. Furthermore, I can see no merit whatever in the theory that federal taxation of the bonds of our States, counties and cities will make more money available for investment in agricultural and mining enterprises.

The depressed state of these industries is primarily due to a world-wide condition, upon which the elimination of tax-free bonds can have little or no effect. The propaganda-nourished idea that some remote individuals of great wealth will pay the tax is utterly fallacious.

The common taxpayer will have to shoulder the burden because the tax must inevitably be reflected in increased interest rates on bonds issued for public improvements, if they are to be successfully marketed.

The Congress already has the power to eliminate future issues of tax-exempt United States bonds if they desire to use that authority.

In my opinion, "elimination of tax-free securities" is simply a proposition whereby the state, county and city governments will be robbed of large sums of money in order that the revenues of the Federal Government may be increased. I therefore deem it my duty as a state official to strongly oppose all legislation tending to give the United States Government the right to tax bonds issued by the States or political subdivisions thereof.

Respectfully submitted,

J. G. SCRUGHAM, *Governor*.

On motion of Mr. Whiteley, duly seconded and carried, the veto message of the Governor was made a special order of business for Thursday, March 8, 1923, at 2:30 p. m.

#### MESSAGES FROM STATE OFFICERS

*To the Honorable the Assembly:*

In compliance with Assembly Concurrent Resolution No. 9, I hand you a complaint wherein is embodied formal charges against Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, in and for the county of White Pine.

For your information I desire to advise that subpoenas have been issued for twenty-one persons to appear as witnesses on behalf of the complainant from

the city of Ely, Nevada, and nine witnesses have been subpoenaed from Carson City and vicinity.

Very respectfully yours, M. A. DISKIN, *Attorney-General*.

IN AND BEFORE THE LEGISLATURE OF THE STATE OF NEVADA

*In the Matter of the Proceedings for the Removal of Clarence J. McFadden as Judge of the Ninth Judicial District Court of the State of Nevada, in and for the County of White Pine.*

COMPLAINT

Now comes M. A. Diskin, the duly elected and qualified Attorney-General of the State of Nevada, as required by and pursuant to Assembly Concurrent Resolution No. 9, duly passed and adopted by the honorable, the Senate and Assembly of the Legislature of the State of Nevada, and hereby files this formal complaint under section 3 of article VII of the Constitution of the State of Nevada, for the removal of Clarence J. McFadden, as Judge of the Ninth Judicial District Court of the State of Nevada, which said complaint is to be served upon him; and, accordingly, the Attorney-General complains, and basing his allegations upon the complaint heretofore filed before the honorable body, alleges and shows:

I

That Clarence J. McFadden is now and, during all the times in this complaint alleged, has been the duly elected, qualified and acting Judge of the Ninth Judicial District Court of the State of Nevada, within and for the county of White Pine.

II

That Clarence J. McFadden, as such Judge, in contravention of the true intent, spirit and purpose of the Constitution of the State of Nevada, and of its statutes enacted pursuant thereto, and contrary to the peace and dignity of the people of the State of Nevada, and to the due administration of justice, has wrongfully and wilfully committed, and does now wrongfully and wilfully commit, divers and sundry acts constituting reasonable cause and reasonable causes, in each of the respects hereinafter alleged, to be entered upon the Journals of the honorable, the Senate and the Assembly, for his removal from office as Judge of the Ninth Judicial District Court of the State of Nevada, in and for the county of White Pine, on the votes of two-thirds of the members elected to each branch of the Legislature, namely, the honorable, the Senate and the Assembly thereof; which reasonable cause and causes aforesaid, in each of the respects aforesaid, are as follows, to wit:

COUNT I

That since the month of July, 1918, and down to December 20, 1922, Clarence J. McFadden, as such Judge, on divers and sundry occasions, and in divers and sundry matters and cases, wrongfully and wilfully and in contravention of the true intent, spirit and purpose of the statutes in such cases made and provided, and contrary to the peace and dignity of the people of the State of Nevada, and to the due administration of justice, has filed with the State Controller of the State of Nevada, with the intent and purpose of obtaining from the State of Nevada his salary as such Judge, affidavits wherein Clarence J. McFadden, as such Judge, under oath, stated in each and all of said affidavits so filed, and from the 1st day of July, 1918, down to and including December 30, 1922, the following statement: "That no cases have been submitted to me as acting District Judge of the Ninth Judicial District Court of the State of Nevada, which have remained undecided"; that said statement so made was false in this, that during and for the period of time and at the time the several affidavits were made and filed, as aforesaid, Clarence J. McFadden, as such Judge, had under advisement cases, motions and other matters which had been submitted to him as Judge for decision, and in many instances such cases so submitted for decision had been under submission at the time said affidavits, as aforesaid, were made, for periods ranging from six months to twenty-five months, and in this respect the following cases are enumerated:



(a) The case wherein Kate I. Nixon, et al., were plaintiffs and Trustees of Winnemucca were defendants, was submitted to Clarence J. McFadden, as Judge, for decision in the month of August, 1918, and was not decided until October, 1920.

(b) The case wherein Studebaker Bros. Company of Utah was plaintiff and A. B. Witcher, et al., were defendants, was submitted to said Clarence J. McFadden, as Judge, for decision on March 16, 1918, and was not decided until November 30, 1918.

(c) The case of Schute v. Big Meadows Investment Company was submitted to Clarence J. McFadden, as Judge, for decision in June, 1918, and was not decided until January, 1919.

(d) The case wherein the State of Nevada ex rel. Fowler v. Hugh Wilson, et al., was submitted for decision on demurrer and taken under advisement on June 12, 1922, by Clarence J. McFadden, as Judge, and that no decision has been rendered in said matter up to the date of the filing of this complaint.

That notwithstanding the fact that all of the aforesaid cases were and had been under submission for a period of time in excess of ninety days, the said Clarence J. McFadden, as Judge, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, in violation of law, unlawfully and wilfully made and filed affidavits during each and every month for the period of time hereinabove stated, containing the statement set forth, and, by reason thereof, at the expiration of each and every month during said period of time, obtained from the State of Nevada money in payment of his salary as such Judge.

#### COUNT II

That said Clarence J. McFadden, as such Judge, has wrongfully and unlawfully, for a period of twenty-five months and from August, 1918, until October, 1920, and for a period of eight months, from March 16, 1917, until November 30, 1918, and for a period of six months from June, 1918, until January, 1919, and for a period of six months from June 12, 1922, down to the date of the filing of this complaint, failed and neglected to render decisions in and decide matters in cases submitted to him as such Judge, within ninety days after submission thereof, in contravention of the true intent, spirit and purpose of the statute in such cases made and provided, and against the peace and dignity of the people of the State of Nevada, and to the due administration of justice.

#### COUNT III

That on the 12th day of June, 1922, in the District Court of the Ninth Judicial District of the State of Nevada, in and for the county of White Pine, in the case of the State of Nevada ex rel. Fowler v. Hugh Wilson, et al., then and still pending therein, a demurrer was filed to the complaint, which said demurrer was then and there duly submitted to Clarence J. McFadden as such Judge for decision, but said Clarence J. McFadden, as such Judge, wrongfully and wilfully and in contravention of the true intent, spirit and purpose of the statute in such case made and provided, and contrary to the peace and dignity of the people of the State of Nevada and to the due administration of justice by him as Judge of said District Court, has failed and neglected and still fails and neglects to render any decision in or to decide said demurrer within ninety days after submission thereof, or at all.

#### COUNT IV

That said Clarence J. McFadden, as such Judge, has on different and divers occasions repeatedly made and issued orders which were illegal and plainly in excess of his jurisdiction and in contravention of the statutes of the State of Nevada, and the rules adopted by the honorable, the Supreme Court of Nevada, and in contravention of the true intent, spirit and purpose of such statutes in such cases made and provided, as he, the said Clarence J. McFadden, as such Judge, at all times well knew. Specific instances are stated as follows:

(a) That Clarence J. McFadden, as such Judge, has repeatedly made appointments of person as official court reporters of said Ninth Judicial District Court



without requiring any evidence or certificate of their qualifications, as required by law, and without having or holding an examination as to their mental qualifications or fitness, the names of such persons so unlawfully appointed being W. H. Sheetz, Farrell Johnson, Cleora Murdock, and Marie Welch.

(b) That on July 3, 1822, Clarence J. McFadden, as such Judge, in disregard of the provisions of the statutes of the State of Nevada and the rules adopted and promulgated by the honorable Supreme Court, and in contravention of such statutes and rules, made an order as Judge of said court, which order was then and there entered in the minutes of said court by the Clerk thereof, admitting one W. H. Venable to practice law before the bar of said court, and enrolling the said W. H. Venable as an attorney at law to practice before said court.

All of which acts so performed and committed by Clarence J. McFadden, as such Judge, were wrongfully and wilfully done and performed, and in contravention of the true intent, spirit, and purpose of the statute and rules of court in such case made and provided, and contrary to the peace and dignity of the people of the State of Nevada, and to the administration of justice.

#### COUNT V

That Clarence J. McFadden, as such Judge, while occupying said official position, has acted in a discourteous and oppressive manner toward certain members of the bar and litigants, more particularly as follows:

That on or about November 1, 1922, said McFadden stated on the public street of Ely, in the presence of at least two witnesses, that he would "eliminate" one G. F. Boreman from said district; said Boreman being a member of the bar of his court, and engaged in the practice of the law in Ely for over sixteen years last past.

That said Clarence J. McFadden, while exercising his judicial functions, has from the bench, in open court, repeatedly treated certain members of the bar, then and there appearing before him, in a discourteous and insulting manner and publicly humiliated them; such members of the bar being in particular C. A. Eddy, C. E. Handwright, and A. Jurich.

That during the hearing of the case of Chngas v. Joudas, et al., before said Clarence J. McFadden, as said Judge, he publicly in open court so insulted one of the attorneys for the plaintiff by his language and manner toward him that said attorney, one B. L. Quayle, gathered together his books and papers and left the courtroom during such hearing; that at the same hearing he likewise insulted the attorney for the defendants, one C. A. Eddy, ordered him to take his seat and refused to hear the argument of said attorney or to allow him to read the authorities which he desired to cite, and subsequently decided said case against said attorney's clients. That said McFadden later apologized to said Quayle for his said conduct toward him, but the next day the said McFadden entered the office of said Eddy and stated to him in substance, "You God damned — — —, I had a notion to fine you yesterday."

That in the case of the State of Nevada ex rel. Fowler v. Hugh Wilson, Clarence J. McFadden, as Judge, without stipulation or consent of counsel in the case, did arbitrarily, and in violation of the statute in such case made and provided, make an order, which order was duly entered on the minutes of said court November 18, 1922, directing a resubmission of said cause upon briefs.

#### COUNT VI

That Clarence J. McFadden, while occupying said judicial position, has by his habits, conduct and example committed and performed acts not in keeping with the dignity of his official position and did thereby render himself unfit to occupy the position of Judge and which acts and conduct tended to cause disrespect for the law, and made law enforcement difficult, in this, to wit:

That said Clarence J. McFadden, within the past four years and during the time he occupied the position of Judge of the District Court of the Ninth Judicial District of the State of Nevada, in and for the county of White Pine, has unlawfully and wilfully solicited, received and accepted from county officials gifts of intoxicating liquor, to wit: whisky, which said whisky had theretofore been seized and confiscated from persons accused of violating the Prohibition Act of this State, and which whisky was then and there being held

in the custody of said county officials in their official capacity; all of which said acts performed by Clarence J. McFadden, as Judge, were in contravention of the true intent, spirit and purpose of the statutes in such cases made and provided and contrary to the peace and dignity of the people of the State of Nevada and to the due administration of justice.

(a) That Clarence J. McFadden, while occupying his position of District Judge aforesaid, has frequently and repeatedly visited and patronized places in Ely where intoxicating liquor is sold in violation of the Prohibition Act of this State and of the Act of Congress known as the Volstead Act, and in such places so visited has drunk intoxicating liquor on such premises, in contempt of said laws as aforesaid, and by reason of his conduct in this respect has encouraged individuals to violate the law.

(b) That Clarence J. McFadden, while Judge as aforesaid, on or about the 20th day of December, 1922, having visited one or more of the aforesaid places, was upon the streets of the city of Ely in the daytime in an intoxicated condition, and was, while in such condition, seen by a number of the citizens of said city of Ely.

(c) That the said Clarence J. McFadden, while Judge as aforesaid, on a certain day (the precise day being unknown) in Ely and in the presence of numerous persons, while he was under the influence of liquor, made certain scandalous remarks and statements concerning the President of the United States, the same being substantially as follows: "He (meaning President Warren G. Harding) is a nigger-loving — — — — —; he is part nigger, and I can prove it."

(d) That the said Clarence J. McFadden, while Judge as aforesaid, on a public street in Ely about the hour of 2 o'clock a. m. of Sunday, October 22, 1922, while under the influence of intoxicating liquor, reviled and abused a citizen of the community, namely, one Phil Aljets, because Aljets was opposing said McFadden's election to office in the forthcoming election, and threatened to strike him (Aljets) with a cane.

All of such conduct on the part of Clarence J. McFadden, as Judge, was in contravention of the true intent, spirit and purpose of the statutes in such cases made and provided and contrary to the peace and dignity of the people of the State of Nevada and to the due administration of justice.

#### COUNT VII

That the said Clarence J. McFadden, while acting as such Judge, has unlawfully and wilfully interfered with the due administration of justice, and has advised and encouraged the presentation of certain unjust and illegal claims and demands against White Pine County, and has through and by means of his official position as such Judge endeavored to enforce and procure the payment of said unjust and illegal claims and demands out of the public funds of White Pine County, in particular as follows:

That on or about the 5th day of March, 1917, in the Ninth Judicial District Court of the State of Nevada, in and for the county of White Pine, and over which said court the said Clarence J. McFadden, as such Judge, then and there and at all times mentioned herein was presiding and acting, and in accordance with his orders duly made and entered, a grand jury was called, assembled, duly impaneled and sworn. That on or about March 23, 1917, upon the advice of said Clarence J. McFadden, given extrajudicially and privately to three certain members of said grand jury, and with the full knowledge, consent and procurement of said Clarence J. McFadden, while so purporting to act as said Judge, said three certain members of said grand jury, claiming to act on behalf of said entire body, made and entered into an illegal and unconscionable contract with a detective agency, to wit: The William J. Burns International Detective Agency, Incorporated, for the furnishing by said agency of certain of its detectives to be employed and used by and on behalf of said grand jury, for the ostensible purpose of making investigations of alleged criminal matters and offenses alleged to have occurred in said county, and endeavoring to obtain evidence in respect thereto, and of furnishing reports of such investigations to said grand jury for its action thereon.

That pursuant to said illegal and unconscionable contract said detective agency furnished three detectives, who were so employed and engaged in ren-



dering the services aforesaid for the aggregate number of 111 days, and under said contract the amount agreed to be paid for such services and expenses amounted to the sum of \$2,383.90. That thereafter, on or about the 17th day of January, 1918, said Clarence J. McFadden, while acting or purporting to act as such Judge, made and issued an order in writing over his signature as District Judge directing the County Treasurer of White Pine County to pay the sum of about \$2,100 of said amount out of the public funds of White Pine County; that said order was thereupon, with the knowledge and procurement of said Clarence J. McFadden, presented to said County Treasurer and payment thereof demanded; that payment thereof was refused by said County Treasurer, who was thereupon threatened with a proceeding for contempt of court by said Clarence J. McFadden unless the said order should be obeyed; but the said County Treasurer nevertheless persisted in such refusal. That subsequently said claim was presented to the Board of County Commissioners of White Pine County for allowance and payment, and the said Clarence McFadden as such Judge approved the said claim, and advocated and endeavored to procure the allowance and payment thereof by said board; that said board thereafter met and rejected said claim. That thereafter said Clarence J. McFadden personally appeared before the Clerk of said Ninth Judicial District Court and demanded that said Clerk issue a writ of execution against said White Pine County for the amount specified in the aforesaid order, to wit, about \$2,100.

That said Clerk refused to issue such writ, and thereupon said Clarence J. McFadden prepared a purported writ of execution and entering the vault of the said Clerk's office seized the seal of said court and impressed the same upon said alleged writ. That said Clarence J. McFadden then personally presented said purported writ to the Sheriff of said county and made demands upon him that he, said Sheriff, pay the said sum of \$2,100, specified therein, to him, the said Clarence J. McFadden, out of the public moneys belonging to said county in the hands of said Sheriff; that said Sheriff likewise refused to obey said demand or to make payment of said sum, and the same was not paid. That thereafter the Supreme Court of the State of Nevada, in the case of *The William J. Burns Detective Agency, Incorporated, v. George Doyle, Ed. Millard and E. C. Hair*, adjudged the aforesaid contract to be illegal and against public policy, and the aforesaid employment of said detectives on behalf of said grand jury was held to be unlawful and unauthorized by law. That the published accounts of all the last aforesaid matters and acts of said Clarence J. McFadden were printed in the public press and widely commented upon, and have brought shame and disgrace upon said judicial office and said court; and all of which said acts performed by Clarence J. McFadden, as Judge, were in contravention of the true intent, spirit and purpose of the statutes in such case made and provided, and contrary to the peace and dignity of the people of the State of Nevada, and to the due administration of justice by him as Judge of the Ninth Judicial District Court of the State of Nevada.

#### COUNT VIII

That the said Clarence J. McFadden, while acting as such Judge, has wilfully omitted and neglected to sign the court minutes of his said court for many months at a time; that said minutes have not been signed since May 1, 1922, and until January 9, 1923, although many requests have been made upon Clarence J. McFadden to sign the same, in order that the Clerk of the Court might furnish attorneys and litigants with proper certified copies thereof; all of which said acts or failure to act on the part of Clarence J. McFadden, as Judge, were in contravention of the true intent, spirit and purpose of the statutes in such case made and provided, and contrary to the peace and dignity of the people of the State of Nevada, and to the due administration of justice by him as Judge of the Ninth Judicial District Court of the State of Nevada.

#### COUNT IX

That the said Clarence J. McFadden, while acting as such Judge, has wrongfully and wilfully used his official power to publicly humiliate and bring odium upon reputable citizens of said county, and also by wrongfully and wilfully withholding official action and, by refusing to act in his official capacity,



has knowingly allowed injustice to be done such citizens, and has wilfully, knowingly and officially permitted false, slanderous and libelous charges to be openly and publicly made in his court concerning such citizens, in particular as follows:

That in the month of February, 1921, the grand jury of White Pine County made and presented to said Clarence J. McFadden as such Judge, in open court, a written report of its proceedings, in and by which report the grand jury charged three certain members of the Board of County Commissioners of said county, to wit, John Weber, Willis E. Meyers, and Robert L. Tucker, with grafting, with misapplication of the public funds, with knowingly committing dastardly outrages upon the community, and with various other acts of malfeasance and misfeasance in office, and stating that they should be forever barred from holding office anywhere. But said grand jury returned no indictment or presentment against any person for or on account of any of said matters or charges. That the aforesaid charges purported to be based upon certain figures and items of expenditures which were set forth in said report.

That said report was submitted to said Clarence J. McFadden in chambers before being presented and filed in open court, and that he read over and approved of same. That within twenty-four hours after said report was presented in court, the County Auditor of said county informed said Clarence J. McFadden that the aforementioned figures and items of expenditures on which said report was based were grossly inaccurate and excessive, and he requested that said Clarence J. McFadden, as such Judge, recall said grand jury for the purpose of correcting its report in that respect; that said McFadden refused to do so.

That thereafter said three members of said Board of Commissioners in writing requested said Clarence J. McFadden to reconvene said grand jury and to direct it to indict said members of said board if the grand jury had evidence of the crimes so charged by it, or otherwise to retract the charges and to apologize to said members for the wrong inflicted; that at said times said three members did not know of the inaccuracies in said figures in said report. That said Clarence J. McFadden thereafter recalled said grand jury, but did not call their attention to the aforesaid inaccuracies and incorrect figures in their report, but allowed said report to stand as submitted.

#### COUNT X

That Clarence J. McFadden, as such Judge, has wilfully delayed administration of justice in his said court, and has withheld his official action and opinions upon matters submitted to him for decision, for the reason of personal friendship and to promote political ends, particularly as follows:

That one Hugh Wilson and James McDonough are and have for several years past been close friends and associates of said Clarence J. McFadden; that said Hugh Wilson is and has been for years a habitant of the restricted district and proprietor of a large number of houses of prostitution in the red-light district of Ely; that James McDonough is likewise the proprietor of a house used for a similar purpose in said restricted district.

That in May, 1922, an action was commenced in said Ninth Judicial District Court of the State of Nevada, by the State of Nevada, as plaintiff, on the relation of Leonard B. Fowler, Attorney-General, through one G. F. Boreman, as his deputy, against said Hugh Wilson, James McDonough, and numerous other defendants, for the abatement of said houses of prostitution as public nuisances.

That to the complaint therein a demurrer was filed by said Wilson and certain other defendants, and on June 12, 1922, said demurrer was argued before said Clarence J. McFadden as presiding Judge, and submitted to and taken under advisement by him. That more than six months have elapsed, and no decision has been rendered in said matter, but the said Clarence J. McFadden has wilfully delayed making a decision therein, and the term of office of said Attorney-General has expired, and with it the appointment of his said deputy has lapsed. That said delay is in direct violation of the spirit, if not the letter, of the statutes of this State to prevent unnecessary delay in rendering judicial decisions (Statutes of Nevada of 1913, p. 313).

That on November 18, 1922, said Clarence J. McFadden, without the consent of counsel, and without authority or jurisdiction, and in violation of the pro-

visions of said statute, ordered a resubmission of said matter on briefs, although the said Attorney-General had filed his brief therein on June 12, as said McFadden well knew; and that said order was made for the purpose of occasioning further delay in said case, and to ostensibly excuse the want of official action on the part of said Clarence J. McFadden therein, and to postpone further proceedings in said cause until the terms of office of said Attorney-General and his said deputy should expire.

That said Clarence J. McFadden was a candidate for reelection to said office of Judge at the general election on November 7, 1922, and said Wilson and McDonough were active workers, supporters and advisers of said McFadden in his campaign for election.

#### COUNT XI

That said Clarence J. McFadden, while acting as such Judge, has interfered with the administration of justice and with the execution of the law, and through motives of personal friendship has attempted to influence and interfere with the officers of the law, in particular as follows:

That one Vito La Conte is and has been for a long time past a personal friend of said Clarence J. McFadden, and at the times hereinafter mentioned said La Conte was engaged in running an alleged soft-drink parlor in Riepertown, in said county; that in the month of December, 1922, the Sheriff of said county having information of certain unlawful practices being carried on in said place, made a raid upon the same and found an unlawful gambling game, to wit: twenty-one, being conducted and in progress in said place; that said Sheriff arrested the person who was conducting said game, and also seized the gambling paraphernalia with which said gambling game was being conducted. That thereupon said La Conte appealed to said Clarence J. McFadden personally to secure the release of said paraphernalia or some portion of said property so seized; that said Clarence J. McFadden thereupon went to said Sheriff personally, and endeavored to secure on behalf of said La Conte the release of some part or portion of the property so seized, and protested against the said action of the Sheriff in seizing same. That no proceeding or action in relation to said matter or to said seizure was pending before said Clarence J. McFadden, as such Judge, at said time.

#### COUNT XII

That on the 16th day of February, 1923, in the case of the State of Nevada v. Dawn Margaret Williams, the defendant was on trial before Clarence J. McFadden as Judge of the Ninth Judicial District Court in and for the County of White Pine; that said defendant was then and there being tried for the crime of murder; that the trial was attended by a great number of spectators, as the case had excited great attention on the part of the citizens of White Pine County; that on the date aforesaid arguments were conducted by respective counsel to the jury; that during the argument of counsel for the defendant, the said attorney, in a loud voice so that his remarks could be heard by every spectator in the courtroom, stated: "Let the son of a b—— lie there"; that said Clarence J. McFadden, as such Judge, occupied the bench and presided as the Judge in the trial of said case, was present in the courtroom as presiding Judge when said language was used by said attorney; that Clarence J. McFadden made no objection and did not in any way reprimand said attorney for making said remarks; that the language so used tended to bring contumely upon the court and the due administration of the law by him as Judge of the Ninth Judicial District Court of the State of Nevada.

(b) That at Ely, Nevada, on the 13th day of February, 1923, Clarence J. McFadden, while in a semintoxicated condition, and on the public streets of the city of Ely, attempted to assault G. F. Boreman with a cane, and used and directed to and toward the said Boreman vile and abusive language, and then and there in a loud tone called said Boreman vile and obscene names, in the presence of many spectators, and thereby the said Clarence J. McFadden, as Judge, subjected himself and the office then and there held by him to derisive comment and criticism upon the part of the people of the city of Ely.

That by reason of the premises, and of the facts and things in this complaint alleged, Clarence J. McFadden, as such Judge, wrongfully and wilfully has con-



travened the true intent, spirit, and purpose of the Constitution of the State of Nevada, and of its statutes enacted pursuant thereto; has failed and neglected to administer due justice; has caused his integrity to be questioned, and the integrity of the Ninth Judicial District Court of the State of Nevada to be impugned, to the lasting detriment and shame of the people of the State of Nevada; in consequence of which premises and the facts and the matters in this complaint alleged, the honorable, the Legislature of the State of Nevada, pursuant to section 3 of article VII of the Constitution of the State of Nevada, has the inherent power to and should remove said Clarence J. McFadden from his office as Judge of the Ninth Judicial District Court of the State of Nevada.

WHEREFORE, M. A. Diskin, Attorney-General, as required by and pursuant to Assembly Concurrent Resolution No. 9, hereby presents for filing this formal complaint against Clarence J. McFadden, as such Judge of the Ninth Judicial District Court of the State of Nevada, and prays that upon the filing thereof a copy thereof be served upon him as such Judge, together with citation, issued out of the honorable, the Legislature of the State of Nevada, directed to him, as such Judge, to be and appear before the honorable, the Legislature of the State of Nevada, at a time therein specified, then and there to show cause, if any he have, why he, said Clarence J. McFadden, should not be removed from his office as Judge of the Ninth Judicial District Court of the State of Nevada.

Respectfully submitted,

M. A. DISKIN, *Attorney-General*.

Filed in the Assembly, March 5, 1923.

J. H. CAUSTEN, *Chief Clerk of the Assembly*.

#### MOTIONS AND RESOLUTIONS

On motion of Mr. Jurich, duly seconded and carried, the special order, Assembly Bill No. 99, was vacated, and Assembly Bill No. 99 placed at the top of the file.

By Mr. Jurich:

Assembly Concurrent Resolution No. 12:

*Resolved by the Assembly, the Senate concurring.* That the complaint against Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, as prepared and presented by the Attorney-General, shall be spread upon the Journals of the Senate and Assembly, and that a copy thereof, certified by the Clerk of the Assembly be immediately served upon said Judge, and that said Judge be and he is hereby ordered to serve his answer upon the Attorney-General not later than Saturday, March 10, 1923, and that all subpoenas be issued under the names of the President and Secretary of the Senate and the Speaker and Chief Clerk of the Assembly, and that service of all papers be made by Stanley Lockwood, the Sergeant-at-Arms of the Assembly.

The following amendment to Assembly Concurrent Resolution No. 12 was offered by Mr. Henderson:

Add to the resolution the following: "That a full, true and correct list of names of all witnesses to be used and subpoenaed on behalf of the State in the trial of the defendant, C. J. McFadden, be furnished the said defendant, at the time of the service of the complaint in said action on said defendant, and that at said time the defendant be also furnished with a memoranda of such documents and documentary evidence as are to be used in the trial. That the said defendant be and he is hereby allowed such opportunity as to him may be desirous of having subpoenas issued in his behalf for service by the Sergeant-at-Arms of the Assembly."

On motion of Mr. Henderson, duly seconded and carried, amendment was adopted.

On motion of Mr. Jurich, duly seconded and carried, the resolution was adopted.



Remarks by Messrs. Kennedy and Jurich.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly recessed until 2 p. m.

### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 184, 185, 186, and 197, and Assembly Substitute for Assembly Bill No. 39, hereto attached, are correct copies of the triplicates thereof in its possession.

Alice S. Towle, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 13, 43, 57, 66, 78, 89, 108, 114, 119, and 123, and Assembly Joint Resolution No. 9 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

Webster Patterson, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bill No. 23 under consideration, and begs leave to report on the same, with the recommendation that the substitute offered be adopted and ordered printed.

Also, Assembly Bills Nos. 52 and 53, and reports unfavorably on the same, with the recommendation that they do not pass.

Also, Assembly Bills Nos. 109, 148, 154, and 160, and Assembly Joint Resolutions Nos. 13 and 14, and reports favorably on the same, with the recommendation that they do pass.

Also, Senate Bill No. 96 and Senate Joint Resolution No. 7 and reports the same without recommendation.

W. M. Kennedy, *Chairman.*

On motion of Mr. Whiteley, duly seconded and carried, Substitute for Assembly Bill No. 23, offered by the Committee on Judiciary, was adopted and ordered printed.

*Mr. Speaker:*

Your Committee on Counties and County Boundaries has had Assembly Bill No. 158 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

H. E. Love, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 162 and Senate Bill No. 112 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

Martin P. Geraghty, *Chairman.*

*Mr. Speaker:*

Your Committee on Agriculture has had Senate Substitute for Senate Bill No. 20 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendments.

Webster Patterson, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Concurrent Resolution No. 5, which was lost in the Senate by the following vote—Yeas, 6; nays, 9; absent, 2.

Also, Assembly Concurrent Resolution No. 10, which was adopted unanimously by the Senate.

Also, Assembly Concurrent Resolution No. 11, which was adopted, as amended, by the Senate.

Also, Assembly Substitute for Assembly Bill No. 21, which passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 126, which passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 138, which passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Substitute for Assembly Bill No. 117, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, to present for your consideration Senate Bill No. 47, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 45, which passed—Yeas, 15; nays, none; absent, 2.

Also, Senate Bill No. 114, which passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 90, which passed, as amended—Yeas, 17; nays, none.

Also, Senate Bill No. 119, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 120, which passed, as amended—Yeas, 16; nays, none.

Also, Senate Bill No. 133, which passed—Yeas, 15; nays, none; absent, 1; not voting, 1.

Also, Senate Bill No. 135, which passed—Yeas, 15; nays, none; absent, 1; not voting, 1.

Also, to return Assembly Bill No. 116, which passed, as amended—Yeas, 16; nays, 1.

Also, to present Senate Joint Resolution No. 11, which passed, as amended—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY.

*Assistant Secretary of the Senate.*

#### MOTIONS AND RESOLUTIONS

On motion of Mr. Jurich, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Concurrent Resolution No. 11.

On motion of Mr. Patterson, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Substitute for Assembly Bill No. 117.

On motion of Mr. Houlihan, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 116.

On motion of Mr. Jurich, duly seconded and carried, the special order of business set for 2:30 p. m. was vacated, and Assembly Bill No. 88 was placed at the top of the file.

#### INTRODUCTION AND FIRST READING

By Mr. Kennedy:

Assembly Bill No. 201—An Act to regulate agreements, combinations and monopolies in restraint of trade or commerce in Nevada, to be called the "Nevada Antitrust Law."

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

By Mr. Garaventa (by request):

Assembly Bill No. 202—An Act to amend section 1 of an Act entitled "An Act providing for the incorporation of domestic building and loan associations, the licensing of foreign building and loan associations, the examination and regulation of all building and loan associations



doing business in this State by the State Bank Examiner, and other matters properly connected therewith, and repealing a certain Act," approved March 24, 1915.

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

By Mr. Swanson:

Assembly Bill No. 203—An Act to provide for the enforcement of the fish, game, and trapping laws of the State of Nevada, and other purposes relating thereto, and repealing all Acts or parts of Acts in conflict therewith.

On motion of Mr. Swanson, 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 Mr. Marsh:

Assembly Bill No. 204—An Act providing for the levying of taxes for state purposes upon public utilities engaged in interstate commerce.

On motion of Mr. Marsh, 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 Land.

By Mr. Marsh:

Assembly Bill No. 205—An Act providing for the location of certain state institutions, the procuring of necessary sites, the construction of buildings and furnishing and equipping the same, providing for a state bond issue, and other matters properly relating thereto.

On motion of Mr. Marsh, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

By Mr. Kennedy:

Assembly Bill No. 206—An Act fixing the price to be charged by the Secretary of State to members of this and succeeding Legislatures for the Revised Laws of Nevada of 1912, and volume 3 thereof, published in 1920.

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

By Mr. Addenbrooke:

Assembly Bill No. 207—An Act making an appropriation for the benefit of the Intermediate Rate Association.

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

By Mr. Whiteley:

Assembly Bill No. 208—An Act imposing upon the several County Clerks of the State the duty of furnishing to the committee to be appointed under Senate Concurrent Resolution No. 3, relative to the appointing of a committee to investigate and make a survey of the



Judicial Districts of the State of Nevada, the duty of furnishing to said committee free of compensation such data as may be required by such committee.

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

By Mr. Whiteley:

Assembly Bill No. 209—An Act defining the duties of Boards of School Trustees and Boards of Education in regard to the employment of teachers and entering into written contract therewith.

On motion of Mr. Whiteley, 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.

On motion of Mr. Henderson, duly seconded and carried, special order of business set for 2:45 p. m. March 5, 1923, was vacated and Senate Substitute for Senate Bill No. 18 placed at the top of the file.

By Mr. Whiteley:

Assembly Bill No. 210—An Act making an appropriation to meet the expenses to be incurred by the committee to be appointed under Senate Concurrent Resolution No. 3, relative to the appointing of a committee to investigate and make a survey of the Judicial Districts of the State of Nevada.

On motion of Mr. Whiteley, 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 White Pine County Delegation:

Assembly Bill No. 211—An Act to reimburse the county of White Pine for artesian well expense, appropriating four thousand dollars for the said purpose, and other matters connected therewith.

On motion of Mr. Whiteley, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Claims.

By Mr. Henderson:

Assembly Bill No. 212—An Act making it unlawful to loiter in any public place while under the influence of liquor, and providing penalties therefor.

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

By Mr. Jurich:

Assembly Bill No. 213—An Act providing for the publication of all notices instead of posting.

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

By Mr. Jurich:

Assembly Bill No. 214—An Act empowering the Board of County

Commissioners of the various counties of the State to reduce certain tax levies so that the total thereof shall not exceed five dollars on each one hundred dollars of taxable property.

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

By Mr. Jurich:

Assembly Bill No. 215—An Act requiring the Tax Commission to cause to be placed upon the various tax rolls all property subject to taxation and which does not appear thereon, and making an appropriation therefor.

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

By Mr. Jurich:

Assembly Bill No. 216—An Act further defining former jeopardy.

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

By Mr. Jurich:

Assembly Bill No. 217—An Act requiring the State Dental Board to define dental hygiene and to adopt rules and regulations for the examination of applicants and the issuance of a license to practice as such.

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

By Mr. Jurich:

Assembly Bill No. 218—An Act to provide for the appointment of inspectors of meat, defining their duties and mode of compensation.

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

By Mr. Jurich:

Assembly Bill No. 219—An Act levying a license tax on itinerant or traveling agents selling stock and bonds; regulating the sale of such stock and bonds by itinerant or traveling agents or vendors, and requiring them to secure a certificate of permission before receiving a license; providing the cost and manner of securing such certificate of permission and license; and providing that bond and security be given that such stock or bonds are as represented; and providing a penalty for the violation of this Act.

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

By Mr. Jurich:

Assembly Bill No. 220—An Act forbidding municipalities from



imposing a license or occupation tax upon certain remunerative trades and professions.

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

By Mr. Jurich:

Assembly Joint Resolution No. 17—Joint Resolution of the Legislature of the State of Nevada, memorializing Congress to create a diplomatic school under the direction of the Department of State of the United States of America.

On motion of Mr. Jurich, rules were suspended, reading, so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Federal Relations.

By Mr. Jurich:

Assembly Joint Resolution No. 18—Joint Resolution of the Legislature of the State of Nevada, memorializing the Congress of the United States to enact a law prohibiting the declaration of stock dividends.

On motion of Mr. Jurich, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 11, relating to public roads.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Federal Relations.

Senate Bill No. 45—An Act to amend an Act entitled "An Act to provide a method for voting at any general, special or primary election by qualified voters who by reason of the nature of their vocation or business or other causes are unavoidably absent from the polls of their precincts in the county of their residence on the day of election, providing penalties for the violation thereof, and other matters properly connected therewith," approved March 11, 1921.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

Senate Bill No. 114—An Act to control the sale of intoxicating liquor for medicinal purposes.

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

Senate Bill No. 47—An Act to amend an Act entitled "An Act regulating the registration of electors for general, special, and primary elections," approved March 27, 1917.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.



Senate Bill No. 90—An Act to amend section 21 of an Act entitled "An Act creating and organizing the county of Clark out of a portion of Lincoln County and providing for its government, and to regulate the affairs of Lincoln County and Clark County," approved February 5, 1909.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to a select committee composed of Clark and Lincoln County Delegations.

Senate Bill No. 119—An Act to repeal section 21 of an Act entitled "An Act regulating the compensation of county officers in the several counties of this State, and other matters relating thereto," approved March 11, 1885. (Paragraph 1701, Revised Laws, 1912.)

On motion of Mr. Henderson, 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. 120—An Act providing for publicity of state payrolls; giving authority to the State Board of Examiners to regulate state employments and compensations unless otherwise set by law; establishing a penalty for the violation of the provisions of this Act; and repealing Acts in conflict herewith.

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

Senate Bill No. 133—An Act for the relief of the Virginia and Truckee Railway Company, W. H. Thomas, Ben Rotholtz Cigar Company, Osen Motor Sales Company, Minden Dry Goods Store, Frank E. Meder, Imelli Meat Company, Harris Brothers, Gray, Reid, Wright Company, Farmers Cooperative Company, Carson Creamery Company, and the Associated Oil Company.

On motion of Mr. Addenbrooke, 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. 135—An Act for the relief of the Los Angeles and Salt Lake Railroad Company.

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

By Mr. Laing:

Assembly Bill No. 221—An Act to establish and provide normal-training student loan funds, and matters properly relating thereto, and to repeal sections 185 to 190, both inclusive, of "An Act concerning public schools, and repealing certain Acts relating thereto," approved March 20, 1911, as amended.

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

By Mr. Marsh:

Assembly Bill No. 222—An Act to provide uniform regulations in the printing of stationery for state and county officials, and prescribing a form therefor.

On motion of Mr. Marsh, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Printing.

GENERAL FILE AND THIRD READING

Senate Substitute for Senate Bill No. 18.

On motion of Mr. Meyers, duly seconded and carried, Senate Substitute for Senate Bill No. 18 was temporarily laid on the table.

Assembly Bill No. 88.

On motion of Mr. Henderson, duly seconded and carried, Assembly Bill No. 88 was laid on the table.

Assembly Bill No. 99.

The following amendment was offered by Mr. Jurich: Strike out the period at the end of section 4 and add thereto the following: "for a period of thirty days."

On motion of Mr. Jurich, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Jurich and Addenbrooke.

Roll-call on Assembly Bill No. 99, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Long and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 99, having received a constitutional majority, was passed.

Senate Bill No. 117.

Remarks by Mr. Love.

Roll-call on Senate Bill No. 117:

YEAS—Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Heinrichs, Houlahan, James, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—None.

Absent—Addenbrooke, Davison, Hussman, Jurich, Long, and Stites—6.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 117, having received a constitutional majority, was passed.

Mr. Speaker asked Mr. Henderson to take the chair.

Mr. Henderson in the chair.

Assembly Bill No. 91.

Remarks by Mr. Whiteley.

Roll-call on Assembly Bill No. 91:



YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Davison, Houlahan, Long, Stites, and Mr. Speaker—5.

The Speaker pro tem declared that Assembly Bill No. 91, having received a constitutional majority, was passed.

Assembly Bill No. 92.

Remarks by Mr. Whiteley.

Roll-call on Assembly Bill No. 92:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Davison, Houlahan, Long, Stites, and Mr. Speaker—5.

The Speaker pro tem declared that Assembly Bill No. 92, having received a constitutional majority, was passed.

Assembly Bill No. 144.

Remarks by Mr. Whiteley.

Roll-call on Assembly Bill No. 144:

YEAS—Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—None.

Absent—Addenbrooke, Davison, Houlahan, Long, Marsh, Murphy, Stites, and Mr. Speaker—8.

The Speaker pro tem declared that Assembly Bill No. 144, having received a constitutional majority, was passed.

Assembly Bill No. 166.

The following amendments were offered by the Committee on Fish and Game:

Amend section 1 by inserting in line 2, page 1, between the words "except" and "carp" the following: "quiwee and." Also amend section 3, line 16, page 1, by striking out the words "in the county of Washoe" and inserting in lieu thereof the following: "and the Colorado River." Amend section 9 by striking out on page 3 in lines 6 and 7, the words "of any dam containing" and inserting after the word "feet" on page 3, line 1, the words "above or five hundred (500) feet below." Amend section 16, page 5, line 18, by striking out the words "one mile" and inserting after the word "of" on line 18, page 5, the words "100 feet above or 500 feet." After the word "any" on line 18 insert the words "fishway or fish ladder of a." Strike out all of section 15 and insert in lieu thereof the following: "Sec. 15. The provisions of section 14 shall not be construed to prohibit the taking of twenty-five cat-fish without regard to weight." Amend section 22 by striking out the word "trout-line" on page 6, line 23, and substituting the word "trot-line" after the word "grab-hooks."

On motion of Mr. Meyers, duly seconded and carried, the amendments were adopted.



The following amendment was offered by Mr. Whitesides: Amend section 6 by substituting "1st" instead of "30th."

On motion of Mr. Whitesides, duly seconded and carried, the amendment was adopted.

Remarks by Mrs. Millar and Messrs. Meyers, Whitesides, Whitmore, and Tandy.

Roll-call on Assembly Bill No. 166, as amended.

YEAS—Henderson, Henrichs, Laing, Marsh, Meyers, Patterson, Peterson, Swanson, Tandy, Whiteley, Whitesides, and Whitmore—12.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Hussman, James, Jurich, Kennedy, Keough, Long, Love, Martin, Millar, Murphy, Nelson, Robb, Towle, and Yeager—22.

Absent—Houlahan and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 166, having failed to receive a constitutional majority, was lost.

Mr. Jurich gave notice that on the next legislative day he would move for a reconsideration of the vote by which Assembly Bill No. 166 was lost.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly adjourned until Tuesday, March 6, 1923, at 10 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 6, 1923.

Assembly called to order at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 178, 179, 181, 183, 187, 188, 189, 190, 192, 193, 194, 195, 196, 198, 199, and Joint Resolution No. 16, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Roads and Highways has had Assembly Bill No. 176 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Substitute for Assembly Bill No. 39, and reports same favorably, with the recommendation that it do pass with the attached amendments.

Also, Assembly Bill No. 168, and reports same favorably, with the recommendation that it do pass with the attached amendments.

H. J. LONG, *Chairman.*

*Mr. Speaker:*

Your Committee on Fish and Game has had Assembly Bill No. 184 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 185, and reports same favorably, with the recommendation that it pass with the attached amendments.

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

Your Committee on Elections has had Assembly Bill No. 193 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, as amended.

Also, Senate Bill No. 47, and reports same favorably, recommending its passage.

Also, Senate Bill No. 45, and reports favorably on the same, with the recommendation that it do pass, as amended.

C. E. WHITESIDES, *Chairman.*

*Mr. Speaker:*

Your Committee on Federal Relations has had Senate Joint Resolution No. 11 under consideration, and begs leave to report favorably on the same, with the recommendation that it be adopted.

A. S. HENDERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Substitute for Senate Bill No. 11 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the attached amendments.

Also, Assembly Bill No. 54, Assembly Joint Resolution No. 11, and Senate Bills Nos. 57 and 106 under consideration, and begs leave to report unfavorably on the same, with the recommendation that they do not pass.

Also, Assembly Bill No. 149, and reports same favorably, with the recommendation that it do pass as amended.

Also, Assembly Bill No. 84 and Senate Bill No. 87, and reports same without recommendation.

Also, Assembly Bills Nos. 74, 153, 161, and 172, Senate Bills No. 69, 78, 101, 105, and 116, and Senate Substitute for Senate Joint Resolution No. 5 of the Thirtieth Session, and reports same favorably, with the recommendation that they do pass.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Public Morals has had Senate Bill No. 107 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

ROY W. MARTIN, *Chairman.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Concurrent Resolution No. 12, which was adopted unanimously by the Senate.

Also, Assembly Bill No. 42, which passed—Yeas, 17; nays, none.

Also, to advise your honorable body that the Senate, on March 5, 1923, receded from its amendment to Assembly Bill No. 111.

Also, to return Assembly Bill No. 112, which passed, as amended—Yeas, 17; nays, none.

Also, Assembly Bill No. 135, which passed—Yeas, 17; nays, none.

Also, Assembly Bill No. 159, which passed—Yeas, 16; nays, none; absent, 1. Also, to present for your consideration, Senate Bill No. 129, which passed—Yeas, 17; nays, none.

Also, Senate Bill No. 136, which passed the Senate, as amended—Yeas, 17; nays, none.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Henderson, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 112.

#### MOTIONS AND RESOLUTIONS

Mr. Henderson moved, duly seconded, that the Assembly suspend the rule, heretofore adopted, whereby a bill may not be considered on the same day as reported back from the committee, for the remainder of the session.

Remarks by Messrs. Marsh, Geraghty, and Henderson.

Motion carried.

On motion of Mr. Whitesides, duly seconded, Senate Substitute for Senate Bill No. 18 was taken from the table.

On motion of Mr. Jurich, duly seconded, the Assembly reconsidered the vote taken on Assembly Bill No. 166.

On motion of Mr. Jurich, duly seconded, Assembly Bill No. 166 was rereferred to Committee on Fish and Game.

On motion of Mr. Jurich, duly seconded, Senate Substitute for Senate Bill No. 18 was rereferred to Committee on Fish and Game.

#### INTRODUCTION AND FIRST READING

Senate Bill No. 129—An Act to amend sections 42, 54 and 69 of an Act entitled "An Act providing a general corporation law," approved March 16, 1903.

On motion of Mr. Swanson, rules were suspended, reading so far had



considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Judiciary.

Senate Bill No. 136—An Act authorizing and empowering the State Board of Examiners to fix the amount of expense money per day for personal uses of state officers, representatives and employees while traveling, or at destination without the State, when on official business.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 169.

Remarks by Mr. Peterson.

Roll-call on Assembly Bill No. 169 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—33.

NAYS—None.

Absent—James, Stites, and Whitmore—3.

Not voting—Mr. Speaker.

Assembly Bill No. 169, having received a constitutional majority, was declared passed.

On motion of Mr. Whiteley, duly seconded, all bills which were in Committee of the Whole under the rule were placed on general file.

Assembly Bill No. 155.

The following amendment, offered by Mr. Martin, was adopted: Place a period after the word "paper" in line 22, page 2; also, strike out the word "when" in line 22, page 2, and all of lines 23 and 24.

Remarks by Mr. Martin.

Roll-call on Assembly Bill No. 155 :

YEAS—Davison, Geraghty, Gosse, Hayes, Hays, Jurich, Marsh, Martin, Millar, Tandy, and Whiteley—11.

NAYS—Addenbrooke, Henderson, Henrichs, Kennedy, Keough, Long, Love, Nelson, Peterson, Robb, Swanson, Towle, Whitesides, Whitmore, and Yeager—15.

Absent—Houlahan, James, and Stites—3.

Not voting—Carpenter, Garaventa, Hussman, Laing, Meyers, Murphy, Patterson, and Mr. Speaker—8.

Assembly Bill No. 155, having failed to receive a constitutional majority, was declared lost.

Senate Bill No. 62.

The following amendment was offered by the Committee on Trade and Manufactures: At the end of line 12, page 3, change the period to a semicolon and add the following: "nor to include the purchase or sale of mining claims or options thereon."

On motion of Mr. Henderson, duly seconded, the amendment was adopted.

The following amendment was offered by Mr. Tandy: Add after

the period in line 13, page 18, section 14, the following: "The provisions of this Act shall affect only incorporated cities and towns."

Remarks by Messrs. Henderson, Geraghty, Tandy, Kennedy, Jurich, Nelson, Marsh, and Long.

Mr. Jurich moved, duly seconded, that amendment offered by Mr. Tandy be indefinitely postponed.

Motion lost.

Mr. Tandy moved, duly seconded, that the amendment be adopted.

Motion lost.

Roll-call on Senate Bill No. 62:

YEAS—Addenbrooke, Garaventa, Geraghty, Gosse, Houlahan, Hussman, Love, Martin, Nelson, Swanson, Whiteley, and Whitmore—12.

NAYS—Carpenter, Davison, Hayes, Hays, Henderson, James, Jurich, Keough, Long, Marsh, Meyers, Millar, Murphy, Patterson, Peterson, Robb, Tandy, Towle, Whitesides, and Yeager—20.

Absent—Stites.

Not voting—Henrichs, Kennedy, Laing, and Mr. Speaker—4.

Mr. Henderson gave notice that on the next legislative day he would ask for a reconsideration of the vote by which Senate Bill No. 62 was lost.

Senate Bill No. 111.

Remarks by Messrs. Kennedy and Meyers.

Roll-call on Senate Bill No. 111:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whitesides, Whitmore, and Yeager—33.

NAYS—Geraghty.

Absent—Stites.

Not voting—Whiteley and Mr. Speaker—2.

Mr. Speaker declared that Senate Bill No. 111, having received a constitutional majority, was passed.

Assembly Bill No. 152.

Remarks by Mr. Addenbrooke.

Roll-call on Assembly Bill No. 152:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Assembly Bill No. 152, having received a constitutional majority, was declared passed.

Assembly Bill No. 124.

The following amendment, offered by Mr. Whitesides, was adopted: On page 10, section 18, line 10, change the word "county" to "country."

Remarks by Messrs. Whitesides, Long, and Whiteley.

Roll-call on Assembly Bill No. 124, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy,

Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—Long.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 124, having received a constitutional majority, was passed.

Senate Bill No. 109.

Roll-call :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlihan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 109, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 14.

Remarks by Messrs. Marsh, Kennedy, Long, Laing, and Whiteley.

Roll-call on Assembly Joint Resolution No. 14 :

YEAS—Davison, Garaventa, Geraghty, Hayes, Hays, James, Jurich, Kennedy, Keough, Marsh, Martin, Meyers, Millar, Peterson, Robb, Swanson, Tandy, Whiteley, and Whitesides—19.

NAYS—Addenbrooke, Carpenter, Gosse, Henderson, Henrichs, Houlihan, Hussman, Laing, Long, Love, Murphy, Nelson, Patterson, Towle, Whitmore, and Yeager—16.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 14, having received a constitutional majority, was passed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. James and Stites, who were excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Bill No. 84 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the attached amendment.

Also, Senate Bills Nos. 119, 133, and 135, and reports favorably on the same, with the recommendation that they do pass.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 116, 126, 138, and Assembly Substitute for Assembly Bills Nos. 21 and 117, with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*



*Mr. Speaker:*

Your Committee on Trade and Manufactures has had Assembly Bill No. 181 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

J. P. WHITMORE, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 171 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, as amended.

Also, Assembly Bill No. 118, and reports a substitute therefor without recommendation.

MARTIN P. GERAGHTY, *Chairman.*

On motion of Mr. Geraghty, duly seconded and carried, Substitute for Assembly Bill No. 118 was adopted and ordered printed.

On motion of Mr. Whiteley, duly seconded and carried, Senate Bill No. 106 was referred to Committee on Judiciary.

#### INTRODUCTION AND FIRST READING

By Mr. Kennedy:

Assembly Bill No. 223—An Act governing contracts or policies of insurance written and obtained within this State, providing that statements of applicants for said insurance shall not void said policy or affect the same unless incorporated therein, and providing that misrepresentations shall be deemed sufficiently material to defeat the policy.

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

By Mr. Swanson:

Assembly Bill No. 224—An Act exempting resident Indians of the State of Nevada from the payment of hunting and fishing licenses.

On motion of Mr. Swanson, 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.

By Mr. Long:

Assembly Bill No. 225—An Act to amend an Act entitled "An Act providing a general corporation law," approved March 16, 1903.

On motion of Mr. Long, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

#### GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 13.

Remarks by Mr. Marsh.

Roll-call on Assembly Joint Resolution No. 13:

YEAS—Davison, Geraghty, Hays, Kennedy, Keough, Marsh, Meyers, Millar, Peterson, Robb, and Whiteley—11.

NAYS—Addenbrooke, Carpenter, Garaventa, Gosse, Henderson, Henrichs, Houlahan, Hussman, Jurich, Laing, Long, Love, Martin, Murphy, Nelson, Paterson, Swanson, Tandy, Towle, Whitesides, Whitmore, and Yeager—22.

Absent—Hayes, James, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 13, having failed to receive a constitutional majority, was lost.

Mr. Jurich gave notice that on the next legislative day he would move for a reconsideration of the vote by which Assembly Joint Resolution No. 13 was lost.

Assembly Bill No. 52.

Mr. Jurich moved, duly seconded, that Assembly Bill No. 52 be indefinitely postponed.

Remarks by Messrs. Whiteley, Jurich, and Meyers.

The motion to indefinitely postpone Assembly Bill No. 52 was carried.

Assembly Bill No. 93 (reprinted with amendments).

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 93 was made a special order of business for Thursday, February 8, 1923, at 2 p. m.

Assembly Bill No. 53.

On motion of Mr. Meyers, duly seconded and carried, Assembly Bill No. 53 was indefinitely postponed.

Assembly Bill No. 160.

Remarks by Mr. Kennedy.

Roll-call on Assembly Bill No. 160:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Carpenter, James, Stites, and Towle—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 160, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 100, which this day passed the Senate by the following vote: Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 133, which passed—Yeas, 17; nays, none.

Also, Assembly Bill No. 147, which this day passed, as amended—Yeas, 17; nays, none.

Also, I have the honor to advise your honorable body that the Senate on March 3, 1923, refused to concur in the Assembly amendments to Senate Substitute for Senate Bill No. 28.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Laing, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 147.

Mr. Jurich moved, duly seconded and carried, that a conference committee be appointed to meet with a like committee from the Senate to consider Senate Substitute for Senate Bill No. 28.

Motion carried, and the Speaker named Miss Gosse and Messrs. Yeager and Peterson as such committee.



## GENERAL FILE AND THIRD READING

Senate Bill No. 96.

Remarks by Messrs. Kennedy and Jurich.

Roll-call on Senate Bill No. 96:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Long.

Absent—James and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 96, having received a constitutional majority, was passed.

Senate Joint Resolution No. 7.

Remarks by Messrs. Kennedy and Jurich.

Roll-call on Senate Joint Resolution No. 7:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—James and Stites—2.

Not voting—Carpenter, Kennedy, Whiteley, and Mr. Speaker—4.

Mr. Speaker declared that Senate Joint Resolution No. 7, having received a constitutional majority, was passed.

Assembly Bill No. 154.

Remarks by Messrs. Whiteley and Marsh.

Roll-call on Assembly Bill No. 154:

YEAS—Addenbrooke, Davison, Garaventa, Gosse, Henderson, Henrichs, Hussman, Jurich, Kennedy, Laing, Love, Martin, Meyers, Millar, Nelson, Patterson, Swanson, Towle, Whiteley, Whitesides, and Yeager—21.

NAYS—Carpenter, Hayes, Hays, Houlahan, Keough, Long, Marsh, Murphy, Peterson, and Tandy—10.

Absent—James and Stites—2.

Not voting—Geraghty, Robb, Whitmore, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 154, having received a constitutional majority, was passed.

## MESSAGES FROM THE GOVERNOR

A messenger from the Governor informed the Assembly that Governor Scrogg and Governor Richardson of California would appear at a Joint Session of the Senate and Assembly at 3:30 p. m.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 148.

Roll-call:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Davison, James, Murphy, and Stites—4.

Not voting—Mr. Speaker.



Mr. Speaker declared that Assembly Bill No. 148, having received a constitutional majority, was passed.

Assembly Bill No. 162.

Remarks by Messrs. Geraghty, Whiteley, Swanson, Marsh, and Hayes.

Roll-call :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Marsh, Martin, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—James and Stites—2.

Not voting—Love, Meyers, Whiteley, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 162, having received a constitutional majority, was passed.

Assembly Bill No. 158.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 158 was made a special order of business for Friday, March 9, 1923, at 2:30 p. m.

### IN JOINT SESSION

The members of the Senate arrived to meet in Joint Session with the Assembly.

The Speaker appointed Mrs. Millar to escort the President of the Senate to the chair.

The President of the Senate appointed a committee of three, consisting of Mr. Lockhart and Senators Sprague and Chapin to escort Governor Scrugham, Governor Richardson, and other visitors to the Assembly Chamber.

Governor Richardson, Mr. Toy, and Governor Scrugham then addressed the Joint Session.

### HOUSE IN SESSION

At 4:10 p. m.

Mr. Speaker in the chair.

Roll-call :

Present—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Jurich, Kennedy, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—28.

Absent—Addenbrooke, Hussman, James, Keough, Laing, Long, Peterson, and Stites—9.

### CALL OF THE HOUSE

A call of the Assembly was requested.

Mr. Speaker directed the Assistant Sergeant-at-Arms to escort all absent members to the Assembly Chamber.

The Assistant Sergeant-at-Arms returned with all absent members, except Messrs. James and Stites, who had been excused.

### GENERAL FILE AND THIRD READING

Senate Bill No. 112.

Roll-call :

YEAS—Carpenter, Davison, Geraghty, Gosse, Hayes, Houlahan, Kennedy, Laing, Martin, Millar, Murphy, Peterson, Tandy, Whiteley, and Whitmore—15.

NAYS—Addenbrooke, Henderson, Henrichs, Hussman, Jurich, Keough, Long, Love, Marsh, Meyers, Nelson, Patterson, Swanson, Towle, Whitesides, and Yeager—16.

Absent—James and Stites—2.

Not voting—Garaventa, Hays, Robb, and Mr. Speaker—4.

Mr. Speaker declared that Senate Bill No. 112, having failed to receive a constitutional majority, was lost.

Mr. Jurich gave notice that on the next legislative day he would move for a reconsideration of the vote by which Senate Bill No. 112 was lost.

Senate Substitute for Senate Bill No. 20.

The following amendment, offered by Mr. Meyers, was adopted: In section 1 place a period after the word "State" in line 9, page 3, and strike out the balance of lines 9, 10 and 11; in section 2, line 25, page 3, strike out all the section after the period on line 25.

The following amendment, offered by the Committee on Agriculture, on motion of Mr. Whitesides, duly seconded and carried, was adopted:

In section 3 strike out all of line 6, page 4, and insert in lieu thereof the following: "\$120,000 of said tax collected to the credit of the State Highway Fund and the excess of said amount collected to be placed in the State Highway Emergency Fund, which fund is hereby created, and which emergency fund shall only be used by the Highway Department in case of the highways of the State being made impassable by washouts or other unavoidable cause, said emergency and the amount to be expended to be certified by the Board of Highway Directors."

Remarks by Messrs. Long, Marsh, Tandy, Whiteley, Laing, and Jurich.

Mr. Jurich moved, duly seconded, that the bill be rereferred to Committee on Agriculture.

Remarks by Messrs. Patterson and Tandy.

Mr. Jurich withdrew his motion.

Moved by Mr. Whiteley, duly seconded, that Senate Substitute for Senate Bill No. 20 be made a special order of business for Wednesday, March 7, 1923, at 2:30 p. m.

Remarks by Messrs. Carpenter, Marsh, Tandy, Whiteley, Laing, Geraghty, Keough, Kennedy, Patterson, and Long.

Mr. Whiteley withdrew his motion.

The following amendment was offered by the Committee on Agriculture:

Amend section 3 by adding after the amendment to said section the following: "*provided*, that whenever the Highway Department in maintaining traffic over any highway shall remove snow therefrom the expense so incurred by the department shall be borne by the county or counties in which the work of removing said snow is done."

Mr. Laing moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Nelson and Laing.

Amendment lost.

The following amendment was offered by Mr. Marsh:

Amend section 3 by striking out the amendment offered by the Committee on Agriculture and striking out that part of the original section beginning with the word "and" in line 5, page 4, striking out the rest



of said section and placing in lieu thereof the following: "To be paid pro rata by said treasurer to the respective counties of the State in proportion to the number of registered automobiles of said counties."

Mr. Marsh moved, duly seconded, that the amendment be adopted.

Remarks by Mr. Whiteley.

Amendment lost.

The following amendment was offered by Mr. Jurich:

Amend section 3 by striking out the entire section and placing in lieu thereof the following: "Said excise tax shall be paid on or before the fifteenth day of each month to the State Treasurer, who shall receipt the dealer therefor, and shall pay from such tax annually collected the sum of sixty thousand dollars to the State Highway Fund and the balance divided among the counties of the State and prorated according to the number of motor vehicles holding state licenses, which counties shall place such money in the road funds thereof."

Mr. Jurich moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Jurich, Nelson, Marsh, Laing, Long, Love, Patterson, Keough, Whiteley, and Miss Towle.

Amendment adopted.

The following amendment was offered by the Committee on Agriculture:

In section 4 on page 4, line 10, between the words "tractors" and "or" insert "farm tractors, harvesting machinery, aeroplanes."

On motion of Mr. Murphy, duly seconded and carried, the amendment was adopted.

Roll-call on Senate Substitute for Senate Bill No. 20, as amended:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Hussman, Jurich, Keough, Laing, Love, Meyers, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—24.

NAYS—Carpenter, Henderson, Henrichs, Houlahan, Kennedy, Long, Marsh, Martin, and Millar—9.

Absent—James and Stites—2.

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Senate Substitute for Senate Bill No. 20, having received a constitutional majority, was passed.

Mr. Whiteley gave notice that on the next legislative day he would move for a reconsideration of the vote by which Senate Substitute for Senate Bill No. 20 was passed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly adjourned until Wednesday, March 7, 1923, at 9:30 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



**THE FIFTY-SECOND DAY**

CARSON CITY (Wednesday), March 7, 1923.

Assembly called to order at 9:30 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

**REPORTS OF COMMITTEES**

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 42, 135, 112, 159, and 111 with the engrossed copies, finds the same correctly enrolled, and has delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Education has had Assembly Bills Nos. 163, 164, 179, 188, and 199 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

The Washoe County Delegation has had Assembly Bill No. 139 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

Also, Assembly Bill No. 151, and reports same favorably, with the recommendation that it do pass with the enclosed amendment.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

The Humboldt County Delegation has had Senate Bill No. 100 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

JOHN I. PETERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Bill No. 146 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

MARTIN P. GERAGHTY, *Chairman.*

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 18, 180, 182, 191, 201, 205, 209, 216, 218, 220, 221, and Assembly Substitute for Assembly Bill No. 23, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Senate Bill No. 63 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the attached amendments.

W. M. KENNEDY, *Chairman.*

On motion of Mr. Nelson, duly seconded and carried, the Assembly

adopted the amendments offered by the Judiciary Committee to sections 5 and 6 of Senate Bill No. 63.

On motion of Mr. Kennedy, duly seconded and carried, Assembly adopted all further amendments offered by the Judiciary Committee to Senate Bill No. 63.

#### MOTIONS AND RESOLUTIONS

On motion of Mrs. Millar, duly seconded and carried, Assembly Bill No. 158, special order for 2:30 this afternoon, was vacated, and the bill placed at the top of the file.

On motion of Mr. Henderson, duly seconded and carried, the Assembly consented to reconsider Senate Bill No. 62.

Mr. Jurich moved, duly seconded and carried, for a reconsideration of vote on Assembly Bill No. 112.

Mr. Jurich moved, duly seconded and carried, for a reconsideration of the vote on Assembly Joint Resolution No. 13.

#### INTRODUCTION AND FIRST READING

By Lyon County Delegation:

Assembly Bill No. 226—An Act to authorize the Board of County Commissioners of the county of Lyon, State of Nevada, to issue bonds to provide for the construction, equipment and furnishing of a home and hospital for the indigent poor, and other matters connected therewith.

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

Senate Joint Resolution No. 8:

*Resolved by the Senate, the Assembly concurring.* That we, for ourselves and for the people of the State of Nevada, do heartily endorse the bill introduced in the national House of Representatives by Congressman Towner, on April 11, 1921, being H. R. 7, and by Senator Sterling in the United States Senate on April 27, 1921, as Senate Bill 1252, and commonly known as the Towner-Sterling education bill, being a bill to create a Department of Education, to authorize appropriations for the conduct of said department, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes.

Being deeply conscious that education is the bulwark of freedom and that the proper training and education of our children is of vital importance and not to be compared with the production of food, wealth or power, but transcends and embraces the activities of all the departments of our National Government now created and existing; be it further

*Resolved.* That we urge upon our Congressman and Senators representing the people of the State of Nevada at the national capital to cooperate with Mr. Towner and Mr. Sterling to the fullest extent of their power in securing the enactment of said bill into law; be it further

*Resolved.* That the Secretary of State be directed to transmit a copy of these resolutions to Hon. William E. Borah, Chairman of the Senate Committee on Education, Simon D. Fess, Chairman of the House Committee on Education, and to each of the Senators and Congressman representing Nevada in the present Congress.

On motion of Mr. Laing, rules were suspended, reading so far had



considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Public Morals.

Remarks by Messrs. Swanson and Whiteley.

On motion of Mr. Whiteley, duly seconded and carried, Senate Joint Resolution No. 8 was referred to Committee on Education.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 158.

Remarks by Mrs. Millar, Messrs. Whitmore, Addenbrooke, Marsh, Geraghty, Peterson, Jurich, Murphy, Long, Garaventa, Whiteley, and Whitesides.

Roll-call on Assembly Bill No. 158:

YEAS—Davison, Garaventa, Geraghty, Hayes, Hays, Henderson, Henrichs, Hussman, Keough, Love, Marsh, Martin, Meyers, Millar, Murphy, Robb, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—21.

NAYS—Addenbrooke, Carpenter, Gosse, James, Jurich, Long, Nelson, Peterson, and Swanson—9.

Absent—Stites.

Not voting—Houlahan, Kennedy, Laing, Patterson, Towle, and Mr. Speaker—6.

Mr. Speaker declared that Assembly Bill No. 158, having received a constitutional majority, was passed.

Assembly Bill No. 129.

Remarks by Mr. James.

Roll-call on Assembly Bill No. 129:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

The Speaker declared that Assembly Bill No. 129, having received a constitutional majority, was passed.

Senate Bill No. 91.

Remarks by Messrs. Long and Henrichs.

Roll-call on Senate Bill No. 91:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 91, having received a constitutional majority, was passed.

Senate Bill No. 71.

The following amendment was offered by Mr. Long: In section 1 strike out that portion beginning with the word "and" on page 1, line 9, and ending with the word "duties" on page 1, line 11.



Mr. Long moved, duly seconded, that the amendment be adopted.  
Motion lost.

Remarks by Messrs. Long, Addenbrooke, and Marsh.

Roll-call on Senate Bill No. 71 :

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Laing, Love, Martin, Millar, Nelson, Patterson, Swanson, Towle, Whiteley, and Yeager—24.

NAYS—Carpenter, Keough, Long, Marsh, Murphy, Peterson, Robb, Tandy, Whitesides, and Whitmore—10.

Absent—Hayes and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 71, having received a constitutional majority, was passed.

Senate Bill No. 63.

The following amendment, offered by Mr. Whiteley, was adopted: In section 1 strike out the words "the following" in line 3, all of lines 4 and 5, page 1, and insert in lieu thereof the following words: "articles of wearing apparel and personal adornment."

On motion by Mr. Whiteley, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Whiteley and Henderson.

The following amendment was offered by the Committee on Judiciary :

On page 2, lines 24-33, strike out sections 5 and 6 and insert the following in lieu thereof: "SEC. 5. Every chattel mortgage executed, acknowledged or proved and certified, as required by this Act, and recorded with the Recorder of the proper counties in the manner prescribed in this Act, shall, from the time of filing the same with the County Recorder for record, impart notice to all persons of the contents thereof, and subsequent purchasers and mortgagees shall be deemed to purchase and take with notice."

On motion of Mr. Nelson, duly seconded and carried, the amendments were adopted.

The following amendments were offered by the Committee on Judiciary :

On page 3, line 1, section 7, change the figure 7 to figure 6 ; page 3, line 15, section 8, change the figure 8 to figure 7 ; page 4, line 5, section 9, change the figure 9 to figure 8 ; page 4, line 12, section 10, change the figure 10 to figure 9 ; page 4, line 29, section 11, change the figure 11 to figure 10 ; page 5, line 28, section 12, change the figure 12 to figure 11.

On motion of Mr. Kennedy, duly seconded and carried, the amendments were adopted.

Remarks by Mr. Marsh.

Roll-call on Senate Bill No. 63, as amended :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 63, having received a constitutional majority, was passed.

Senate Bill No. 16.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Nelson and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 16, having received a constitutional majority, was passed.

Assembly Substitute for Assembly Bill No. 39.

The Committee on Roads and Highways offered the following amendments:

On page 8, line 33, strike the word "State"; page 9, line 1, strike the words "Highway Engineer" and insert in lieu thereof the word "board"; page 9, lines 13 and 14, strike out the words "State Highway Engineer" and insert in lieu thereof the word "board"; page 14, line 18, strike out the word "engineer" and insert in lieu thereof the word "board"; page 6, line 22, change the word "to" after the word "valley" to "by."

The following amendment was offered by Mr. Meyers: In section 1 place a comma in place of period in line 11, and insert the words: "*provided*, that not more than one such appointee shall be a resident of any one county."

Mr. Meyers moved, duly seconded, that the amendment be adopted. Amendment lost.

Remarks by Messrs. Long and Nelson.

The following amendment, offered by Mr. Long, was adopted: In section 7, page 6, line 14, after the word "Pioche" add "Caliente and Crystal Springs."

Remarks by Messrs. Long, Whitmore, Whiteley, and Peterson.

The following amendment, offered by Mr. Long, was adopted: In section 6 strike out the word "east" on page 5, line 3, and insert the word "west" in lieu thereof.

The following amendment, offered by Mr. Whitmore, was adopted: In section 6, page 5, line 5, after the word "Carlin" add the word "Emigrant Pass."

Remarks by Messrs. Long, Addenbrooke, Peterson, and Martin.

Roll-call on Assembly Substitute for Assembly Bill No. 39, as amended:

YEAS—Carpenter, Davison, Hayes, Hays, Henderson, Houlahan, James, Jurich, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Robb, Tandy, Whitesides, and Whitmore—21.

NAYS—Addenbrooke, Garaventa, Geraghty, Gosse, Henrichs, Hussman, Kennedy, Keough, Love, Nelson, Towle, and Yeager—12.

Absent—Stites.

Not voting—Swanson, Whiteley, and Mr. Speaker—3.



Mr. Speaker declared that Assembly Substitute for Assembly Bill No. 39, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Joint Resolution No. 8, which this day passed the Senate, as amended, by the following vote: Yeas, 17; nays, none.

Also, to return Assembly Bill No. 40, which passed, as amended—Yeas, 15; nays, none; absent, 2.

Also, to present for your consideration Senate Bill No. 139, which passed—Yeas, 15; nays, none; absent, 2.

Also, I have the honor to advise your honorable body that the Senate has this day appointed a Conference Committee, consisting of Senators Sheehan, Scott and Meder, to confer with your like committee on Senate Substitute for Senate Bill No. 28.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Carpenter, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 40.

#### INTRODUCTION AND FIRST READING

Senate Bill No. 139—An Act to provide seals for Sheriffs, Assessors and Treasurers in the State of Nevada, and other matters in relation thereto.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Counties and County Boundaries.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 47.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 47, having received a constitutional majority, was passed.

Assembly Bill No. 176.

Remarks by Mr. Meyers.

Roll-call on Assembly Bill No. 176:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 176, having received a constitutional majority, was passed.



On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 1:30 p. m.

## HOUSE IN SESSION

At 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 200, 202, 203, 204, 206, 207, 208, 210, 211, 212, 213, 214, 215, 217, 219, 222, and Joint Resolution No. 17, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 133, 100, and 147 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Federal Relations has had Assembly Joint Resolutions Nos. 17 and 18 under consideration, and begs leave to report favorably on the same, with the recommendation that they be adopted.

A. S. HENDERSON, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 70, which passed the Senate, as amended—Yeas, 12; nays, 3; absent, 1; not voting, 1.

Also, Assembly Bill No. 91, which passed, as amended—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 92, which passed, as amended—Yeas, 14; nays, none; absent, 3.

Also, Assembly Bill No. 144, which passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 152, which passed—Yeas, 14; nays, none; absent, 2; not voting, 1.

Also, Assembly Bill No. 169, which passed—Yeas, 16; nays, none; absent, 1.

Also, to present for your consideration Senate Bill No. 145, which passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Joint Resolution No. 12 (Senate Substitute for Senate Bill No. 122), which passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 126, which passed, as amended—Yeas, 14; nays, 2; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Miss Gosse, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 70.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 91.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 92.

## MOTIONS AND RESOLUTIONS

Mr. Jurich moved, duly seconded and carried, that Senate Bill No. 112 be placed at top of the file for third reading and final passage.

On motion of Mr. Henderson, duly seconded, Senate Bill No. 62 was placed at top of the file for third reading and final passage.

Mr. Addenbrooke moved, duly seconded, that Mr. Henderson be excused during the coming week to meet the visiting Congressmen for the purpose of representing the Assembly and looking over the Boulder Dam site.

Motion carried.

#### INTRODUCTION AND FIRST READING

By Storey and Ormsby County Delegations:

Assembly Bill No. 227—An Act reapportioning Senators and Assemblymen of the several counties to the Legislature of the State of Nevada.

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

#### GENERAL FILE AND THIRD READING

Senate Bill No. 62.

The following amendment, offered by Mr. Henderson, was adopted: Add a new section after section 15, page 18, as follows: "SEC. 16. This Act shall be applicable only to incorporated cities having a population of 2,500 or more." Change section 16, line 23, page 18, to section 17.

Roll-call on Senate Bill No. 62, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 62, having received a constitutional majority, was passed.

Senate Bill No. 112.

Remarks by Messrs. Jurich and Whiteley.

Roll-call on Senate Bill No. 112:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Keough.

Absent—Stites.

Not voting—Long and Mr. Speaker—2.

Mr. Speaker declared that Senate Bill No. 112, having received a constitutional majority, was passed.

Assembly Bill No. 184.

Remarks by Messrs. Swanson, Laing, and Keough.

Roll-call on Assembly Bill No. 184:

YEAS—Addenbrooke, Carpenter, Davison, Geraghty, Gosse, Hayes, Hays,

Henderson, Henrichs, Houlahan, James, Jurich, Keough, Long, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, and Whitmore—28.

YAYS—Laing, Love, and Murphy—3.

Absent—Kennedy, Stites, and Yeager—3.

Not voting—Garaventa, Hussman, and Mr. Speaker—3.

Mr. Speaker declared that Assembly Bill No. 184, having received a constitutional majority, was passed.

Assembly Bill No. 193.

The Committee on Elections offered the following amendment: Amend section 1 by striking out in lines 3 and 4, after the word "State," the words "polling more than six thousand votes."

On motion of Mr. Whitesides, duly seconded and carried, the foregoing amendment was adopted.

Roll-call on Assembly Bill No. 193:

YEAS—Addenbrooke, Gosse, Hays, Henderson, Kennedy, Keough, Martin, Nelson, Swanson, Whiteley, and Whitesides—11.

NAYS—Carpenter, Davison, Garaventa, Geraghty, Henrichs, Houlahan, Hussman, James, Jurich, Long, Love, Marsh, Millar, Murphy, Patterson, Peterson, Robb, Tandy, Towle, Whitmore, and Yeager—21.

Absent—Hayes and Stites—2.

Not voting—Laing, Meyers, and Mr. Speaker—3.

Assembly Bill No. 193, having failed to receive a constitutional majority, was declared lost.

Senate Bill No. 45.

The Committee on Elections offered the following amendments: In section 2 strike out after the word "election" in line 31 the rest of that line, together with lines 32 and 33, and on page 3 the lines 1, 2, 3, 4 and to the semicolon in line 5 preceding the word "that." In line 7 put a semicolon after the word "registered" and strike out the rest of line 7; page 4, line 2, after the word "precinct" strike out the words "within thirty days."

On motion of Mr. Patterson, duly seconded and carried, the amendments offered by the Committee on Elections were adopted.

Remarks by Mr. Henderson.

Roll-call on Senate Bill No. 45, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Stites.

Not voting—Mr. Speaker.

Senate Bill No. 45, having received a constitutional majority, was declared passed.

Assembly Bill No. 185.

The following amendment was offered by Mr. Marsh: In section 5 strike out that part of section 5 after the word "chicken" in line 2, page 3, and insert in lieu thereof, "until August 16, 1927."

On motion of Mr. Marsh, duly seconded and carried, the amendment was adopted.



The following amendment was offered by the Fish and Game Committee: In section 11 substitute the word "any" on page 3, line 27, for the word "and."

On motion of Mr. Meyers, duly seconded and carried, the amendment offered by the Fish and Game Committee was adopted.

The following amendment was offered by Mr. Houlahan: In section 12 strike out "cotton-tail rabbit or" in line 29.

On motion of Mr. Houlahan, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Swanson, Houlahan, Henderson, Whitmore, Long, and Marsh.

Mr. Jurich moved, duly seconded, for a reconsideration of vote taken on amendment offered by Mr. Marsh.

Motion lost.

Further remarks by Messrs. Jurich and Marsh.

Moved by Mr. Jurich, duly seconded and carried, that Assembly Bill No. 185 be laid on the table.

Motion carried.

Mr. Addenbrooke requested that Ways and Means Committee be excused to meet with Senate Ways and Means Committee in the Governor's office.

Committee excused.

Senate Joint Resolution No. 11.

Roll-call:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, James, Jurich, Kennedy, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—27.

NAYS—None.

Absent—Addenbrooke, Henderson, Houlahan, Hussman, Keough, Laing, Long, Peterson, and Stites—9.

Not voting—Mr. Speaker.

Senate Joint Resolution No. 11, having received a majority vote, was declared passed.

Assembly Substitute for Senate Bill No. 11.

The following amendments were offered by Judiciary Committee:

In line 6, section 1, page 1, after the comma, insert the following: "or who shall, without good cause, leave or desert his wife, or minor child or children under the age of fifteen years, in danger of becoming a burden on the public."

In line 12, section 1, page 1, strike out line 12 after the semicolon, lines 13, 14, and 15, to the word "provided." In line 20, section 1, page 2, strike out that portion of section 1 after the period.

On motion of Mr. Whiteley, duly seconded and carried, the amendments offered by the Judiciary Committee were adopted.

The following amendment was offered by Mr. Whiteley: Amend section 6 by changing figure 6 to figure 3.

On motion of Mr. Whiteley, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Substitute for Senate Bill No. 11, as amended:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Hen-

richs, James, Jurich, Kennedy, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—27.

NAYS—None.

Absent—Addenbrooke, Henderson, Houlahan, Hussman, Keough, Laing, Peterson, Long, and Stites—9.

Not voting—Mr. Speaker.

Assembly Substitute for Senate Bill No. 11, having received a majority vote, was declared passed.

Assembly Bill No. 84.

Remarks by Messrs. Jurich and Kennedy.

Roll-call on Assembly Bill No. 84:

YEAS—Carpenter, Davison, Gosse, Hayes, Houlahan, Jurich, Laing, Marsh, Martin, Meyers, Millar, Peterson, Robb, Swanson, and Whitesides—15.

NAYS—Addenbrooke, Garaventa, Geraghty, Hays, Henrichs, Hussman, James, Kennedy, Keough, Long, Love, Murphy, Nelson, Patterson, Tandy, Towle, Whiteley, Whitmore, and Yeager—19.

Absent—Henderson, Stites, and Mr. Speaker—3.

Mr. Speaker declared that Assembly Bill No. 84, having failed to receive a constitutional majority, was lost.

Assembly Bill No. 149.

The following amendment was offered to Assembly Bill No. 149 by the Judiciary Committee: Amend by adding the following: SEC. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

On motion of Mr. Nelson, duly seconded and carried, the foregoing amendment was adopted.

Remarks by Mr. Nelson.

Roll-call on Assembly Bill No. 149, as amended:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, James, Kennedy, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—25.

NAYS—Jurich.

Absent—Addenbrooke, Henderson, Houlahan, Keough, Laing, Long, Peterson, and Stites—9.

Not voting—Robb and Mr. Speaker—2.

Assembly Bill No. 149, having received a constitutional majority, was declared passed.

Mr. Speaker asked Mr. Jurich to take the chair.

Mr. Jurich in the chair.

Senate Bill No. 74.

Remarks by Mr. Whiteley.

Roll-call on Senate Bill No. 74:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, James, Jurich, Kennedy, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—27.

NAYS—None.

Absent—Addenbrooke, Henderson, Houlahan, Hussman, Keough, Laing, Love, Peterson, and Stites—9.

Not voting—Mr. Speaker.

Senate Bill No. 74, having received a constitutional majority was declared passed.

Senate Bill No. 69.

Roll-call:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Henrichs, James, Jurich, Kennedy, Love, Martin, Millar, Nelson, Patterson, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—20.

NAYS—Hayes and Tandy—2.

Absent—Addenbrooke, Henderson, Houlahan, Hussman, Kennedy, Keough, Laing, Long, Meyers, Peterson, and Stites—10.

Not voting—Hays, Marsh, Murphy, Robb, and Mr. Speaker—5.

Senate Bill No. 69, having received a constitutional majority, was declared passed.

On motion of Mr. Lockhart, duly seconded and carried, Assembly bills on general file were taken up in consecutive order so that same may be sent to Senate, when passed.

Assembly Bill No. 172.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Bill No. 172 was placed at the bottom of the file to follow Senate bills.

Assembly Bill No. 161.

Remarks by Mr. Kennedy.

Roll-call on Assembly Bill No. 161:

YEAS—Davison, Garaventa, Geraghty, Gosse, Hays, Henrichs, James, Jurich, Kennedy, Love, Martin, Millar, Nelson, Patterson, Swanson, Tandy, Whiteley, Whitmore, and Yeager—19.

NAYS—Carpenter, Long, Marsh, and Murphy—4.

Absent—Houlahan, Keough, Laing, and Stites—4.

Not voting—Addenbrooke, Hayes, Henderson, Hussman, Meyers, Peterson, Robb, Towle, Whitesides, and Mr. Speaker—10.

Assembly Bill No. 161, having received a constitutional majority, was declared passed.

Assembly Joint Resolution No. 11.

On motion of Mr. Whiteley, duly seconded and carried, Assembly Joint Resolution No. 11 was indefinitely postponed.

Assembly Bill No. 54.

On motion of Mr. Meyers, duly seconded and carried, Assembly Bill No. 54 was indefinitely postponed.

Assembly Bill No. 168.

The following amendment was offered by the Committee on Roads and Highways:

Add an additional section to be known as section 2, which will read as follows: "SEC. 2. The Secretary of State is hereby empowered and shall designate such officers in each county as may by him seem desirable, and such other agencies to assist in carrying out the provisions of this Act relative to the issuance of nonresident permits, giving such officers and agencies the authorization to act as assistants of the Secretary of State in carrying out such provisions; *provided, however*, that no expenditure of funds is incurred in designating such assistants."

On motion of Mr. Long, duly seconded and carried, the amendment was adopted.



## Roll-call on Assembly Bill No. 168:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Hussman, James, Jurich, Kennedy, Long, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—28.

NAYS—Keough.

Absent—Addenbrooke, Henderson, Houlahan, and Stites—4.

Not voting—Laing, Love, Swanson, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 168, having received a constitutional majority, was passed.

Mr. Whiteley gave notice that on the next legislative day he would move for a reconsideration of the vote on Assembly Bill No. 168.

## Assembly Bill No. 153.

Remarks by Mr. Kennedy.

## Roll-call on Assembly Bill No. 153:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, and Whiteley—29.

NAYS—None.

Absent—Davison, Henderson, Houlahan, Stites, and Yeager—5.

Not voting—Whitesides, Whitmore, and Mr. Speaker—3.

Mr. Speaker declared that Assembly Bill No. 153, having received a constitutional majority, was passed.

## Assembly Bill No. 171.

On motion of Mr. Addenbrooke, duly seconded and carried, Assembly Bill No. 171 was laid on the table.

## Assembly Bill No. 181.

On motion of Mr. Long, duly seconded and carried, Assembly Bill No. 181 was laid on the table.

Mr. Speaker in the chair.

## Assembly Joint Resolution No. 13.

On motion of Mr. Whitesides, duly seconded and carried, Assembly Joint Resolution No. 13 was laid on the table.

Senate Substitute for Senate Joint Resolution No. 5 of the Thirtieth Session, relative to amending section 3 of article 11 of the Constitution.

Remarks by Messrs. Whiteley and Henrichs.

Roll-call on Senate Substitute for Senate Joint Resolution No. 5 of the Thirtieth Session:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Stites.

Not voting—Houlahan, Hussman, Meyers, and Mr. Speaker—4.

Mr. Speaker declared that Senate Substitute for Senate Joint Resolution No. 5 of the Thirtieth Session, having received a constitutional majority, was passed.

Senate Bill No. 57.

On motion of Miss Towle, duly seconded and carried, Senate Bill No. 57 was indefinitely postponed.

Senate Bill No. 78.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Miller, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Henderson, Henrichs, Houlahan, and Stites—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 78, having received a constitutional majority, was passed.

Senate Bill No. 87.

On motion of Mr. Jurich, duly seconded and carried, Senate Bill No. 87 was laid on the table.

Senate Bill No. 105.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson, Long, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 105, having received a constitutional majority, was passed.

Senate Bill No. 116.

Remarks by Mr. Carpenter.

Roll-call on Senate Bill No. 116.

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson, Stites, and Swanson—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 116, having received a constitutional majority, was passed.

Mr. Speaker asked Miss Gosse to take the chair.

Miss Gosse in the chair.

Senate Bill No. 101.

Roll-call:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Addenbrooke, Henderson, Stites, and Mr. Speaker—4.

Senate Bill No. 101, having received a constitutional majority, was declared passed.

Senate Bill No. 107.

On motion of Mr. Tandy, duly seconded and carried, Senate Bill No. 107 was indefinitely postponed.

Senate Bill No. 84.

Mr. Jurich moved, duly seconded, that Senate Bill No. 84 be laid on the table.

Messrs. Nelson, Yeager, and Addenbrooke asked for roll-call on motion of Mr. Jurich:

YEAS—Carpenter, Davison, Gosse, Hayes, Houlahan, Jurich, Laing, Marsh, Martin, Meyers, Millar, Peterson, Robb, Swanson, and Whitesides—15.

NAYS—Addenbrooke, Garaventa, Geraghty, Hays, Henrichs, Hussman, James, Kennedy, Keough, Long, Love, Murphy, Nelson, Patterson, Tandy, Towle, Whiteley, Whitmore, and Yeager—19.

Absent—Henderson, Stites, and Mr. Speaker—3.

The Speaker declared the motion lost.

On motion of Mr. Jurich, duly seconded and carried, Senate Bill No. 84 was made a special order of business for Friday, March 9, 1923, at 11 a. m.

Senate Bill No. 133.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Hayes, Henderson, and Stites—3.

Not voting—Mr. Speaker.

Senate Bill No. 133, having received a constitutional majority, was declared passed.

Mr. Speaker in the chair.

Senate Bill No. 119.

Remarks by Mr. Jurich.

Roll-call on Senate Bill No. 119:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Jurich, Kennedy, Keough, Laing, Long, Marsh, Martin, Meyers, Murphy, Nelson, Patterson, Robb, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—27.

NAYS—Millar, Peterson, and Nelson—3.

Absent—Henderson and Stites—2.

Not voting—Houlahan, Hussman, James, Love, and Mr. Speaker—5.

Mr. Speaker declared that Senate Bill No. 119, having received a constitutional majority, was passed.

Senate Bill No. 135.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—Hayes.

Absent—Henderson, Stites, and Towle—3.

Not voting—Laing, Robb, and Mr. Speaker—3.

Mr. Speaker declared that Senate Bill No. 135, having received a constitutional majority, was passed.



Assembly Bill No. 172.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 172, having received a constitutional majority, was passed.

On motion of Mr. Jurich, duly seconded and carried, Assembly adjourned until 10 a. m. Thursday, March 8, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 8, 1923.

Assembly called to order at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Kennedy and Stites, who were excused.

Invocation by Rev. H. W. Hunter.

On motion of Mr. Henderson, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education has had Senate Bill No. 110 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bills Nos. 186 and 198 under consideration, and begs leave to report unfavorably on the same, with the recommendation that they do not pass.

Also, Assembly Bills Nos. 65 and 195, and reports the same without recommendation.

Also, Assembly Bills Nos. 94, 187, 194, 201, 208, 210, and Assembly Substitute for Assembly Bill No. 23, and reports same favorably, with the recommendation that they do pass.

Also, Assembly Bill No. 206, and reports same favorably, with the recommendation that it do pass, as amended.

Also, Assembly Bill No. 79, and reports same favorably, with the recommendation that it do pass, as amended.

Also, Senate Bill No. 106, and reports same favorably, with the recommendation that it do pass, as amended.

Also, Senate Bills Nos. 120 and 136, and reports favorably on same, with the recommendation that they do pass.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

The Elko County Delegation has had Assembly Bill No. 180 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the attached amendment.

W. PATTERSON, *Chairman.*

*Mr. Speaker:*

The Washoe County Delegation has had Assembly Bill No. 191 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

B. R. ADDENBROOKE, *Chairman.*

### MOTIONS AND RESOLUTIONS

On motion of Mr. Love, duly seconded and carried, special order of business for Friday, March 9, 1923, was vacated and Senate Bill No. 84 placed at the top of the file for third reading.

Remarks by Messrs. Jurich and Addenbrooke.

By Mr. Henderson:

Assembly Concurrent Resolution No. 13:

WHEREAS, The development of the Boulder Canyon project on the Colorado River, which borders our State on the south, and the building thereof of the Boulder Canyon dam for the purpose of developing power, preventing devastating floods and making possible the further reclamation of arid lands is considered by the members of the Thirty-first Session of the Legislature of the State of Nevada, now assembled, as the greatest engineering and economic project now before the people of the United States; and

WHEREAS, The actual construction of a dam at Boulder Canyon on said river would bring untold wealth and many people to the southwestern part of our country and particularly to the State of Nevada; and

WHEREAS, Official notice has come to this Legislature that a distinguished party comprising members of the honorable Senate and House of Representatives of the Congress of the United States is to officially visit the city of Las Vegas, Nevada, and the contemplated Boulder Canyon dam site on said Colorado River on the 13th day of March, 1923; now, therefore, be it

*Resolved by the Assembly, the Senate concurring,* That the thanks of the people of the State of Nevada, by and through its Legislature, are hereby tendered to said congressional delegation for their visit to our State and city; and be it further

*Resolved,* That the State of Nevada, by and through its Legislature, duly assembled, extends to said congressional delegation, and to each and every member thereof, its heartiest welcome to our State; and be it further

*Resolved,* That a copy of this resolution be delivered to each member of said delegation by the Governor of our State, the Hon. J. G. Scruggam.

On motion of Mr. Henderson, duly seconded and carried, Assembly Concurrent Resolution No. 13 was adopted.

On motion of Mr. Marsh, duly seconded and carried, Assembly Bill No. 185 was taken from the table and placed at the top of the file for third reading.

Remarks by Mr. Marsh.

On motion of Mr. Whiteley, duly seconded and carried, the vote taken on Assembly Bill No. 168, Wednesday, March 7, 1923, was reconsidered.

Remarks by Mr. Whiteley.

By Mr. Hussman:

Assembly Concurrent Resolution No. 14:

WHEREAS, The trial of Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, for malfeasance, nonfeasance and misfeasance in office, requires that the same be conducted in accordance with the resolution heretofore adopted and that the final decision of the Senate and the Assembly shall be based solely upon the law and the evidence; therefore, be it

*Resolved, by the Assembly, the Senate concurring,* That any attempt by any person, before or during the trial, to improperly influence any member of either the Senate or Assembly in the above matter, shall be guilty of contempt, and it shall be the duty of any member who may be approached to report the same to the body of which he is a member.

On motion of Mr. Hussman, duly seconded and carried, Assembly Concurrent Resolution No. 14 was adopted.

On motion of Mr. Geraghty, duly seconded and carried, Assembly Bill No. 91 was taken from the bottom of the file and placed at top of the file for third reading.



## INTRODUCTION AND FIRST READING

Senate Bill No. 145—An Act authorizing and empowering the Board of County Commissioners of Lincoln County, State of Nevada, to issue additional bonds to provide for aid in the construction of state highways within said county.

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

Senate Joint Resolution No. 12 (Senate Substitute for Senate Bill No. 122), relative to amending section 21 of article V of the Constitution of the State of Nevada:

*Resolved by the Senate, the Assembly concurring,* That section 21 of article V of the Constitution be amended to read as follows:

SECTION 21. The Governor, Secretary of State, and Attorney-General shall constitute a Board of Examiners, with power to examine all claims against the State except salaries or compensation of officers fixed by law; and they shall perform such other duties as may be prescribed by law. No claim against the State, except salaries or compensation of officers fixed by law, shall be passed upon by the Legislature without having been considered and acted upon by said Board of Examiners.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to Committee on Judiciary.

## GENERAL FILE AND THIRD READING

Mr. Speaker requested Mr. Whitesides to take the chair.

Mr. Whitesides in the chair.

Assembly Bill No. 191.

Remarks by Mr. Geraghty.

Roll-call on Assembly Bill No. 191:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Kennedy, Stites, and Mr. Speaker—3.

Assembly Bill No. 191, having received the constitutional majority, was declared passed.

Assembly Bill No. 185.

The following amendment was offered by Mr. Marsh: In section 5 strike out in line 2, page 3, the words "until August 16, 1927," and insert in lieu thereof the following "except between the sixteenth (16th) of August and the thirty-first (31st) of August, both dates included, in each and every year," thus restoring the section to its original printed form.

On motion of Mr. Marsh, duly seconded, the amendment was adopted.

The following amendment was offered by Mr. Houlahan: In section 12 insert in line 29, page 3, before the word "mountain" the following:

"cotton-tail rabbit or," thus restoring the section to its original printed form.

On motion of Mr. Hayes, duly seconded, the amendment was adopted.

On motion of Mr. Meyers, duly seconded, the Clerk was authorized to insert the word "dollars" after the word "fifty" in line 8, section 23, page 6.

The following amendment was offered by Mr. Addenbrooke: In section 10 change lines 20 and 21, page 3, to read "October 14 to November 12 of each year."

On motion of Mr. Addenbrooke, duly seconded, the amendment was adopted.

Remarks by Messrs. Jurich, Swanson, Whiteley, Marsh, Millar, Houlahan, Addenbrooke, Meyers, Miss Towle, and Mrs. Millar.

Roll-call on Assembly Bill No. 185, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Robb, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—Garaventa, Nelson, and Tandy—3.

Absent—Henrichs, Kennedy, and Stites—3.

Not voting—Mr. Speaker.

Assembly Bill No. 185, having received the constitutional majority, was declared passed.

Mr. Speaker resumed the chair.

Assembly Bill No. 168.

The following amendment was offered by Committee on Roads and Highways: Strike out section 2, and insert in lieu thereof the following: "(h) The Secretary of State is hereby empowered and shall designate such officers in each county as may by him seem desirable, and such other agencies, to assist in carrying out the provisions of this Act relative to the issuance of nonresident permits, giving such officers and agencies the authorization to act as assistants of the Secretary of State in carrying out such provisions; *provided, however*, that no expenditure of funds is incurred in designating such assistants."

On motion of Mr. Long, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 168, as amended:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Keough.

Absent—Addenbrooke, Kennedy, and Stites—3.

Not voting—Mr. Speaker.

Assembly Bill No. 168, having received a constitutional majority, was declared adopted.

Senate Bill No. 84.

Mr. Jurich moved, duly seconded, that Senate Bill No. 84 be indefinitely postponed.

Remarks by Messrs. Jurich, Addenbrooke, Peterson, Henderson, Martin, Love, Marsh, and Keough.

Messrs. Keough, Nelson, and Addenbrooke requested a roll-call.

Roll-call on motion offered by Mr. Jurich:



YEAS—Carpenter, Davison, Hayes, Hays, James, Jurich, Laing, Marsh, Martin, Millar, Patterson, Peterson, and Robb—13.

NAYS—Addenbrooke, Garaventa, Geraghty, Gosse, Henderson, Heinrichs, Houlahan, Hussman, Keough, Long, Love, Meyers, Murphy, Nelson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—21.

Absent—Kennedy and Stites—2.

Not voting—Mr. Speaker.

The amendment offered by Mr. Jurich, having failed to receive a majority vote, was declared lost.

The following amendment was offered by Mr. Peterson: In section 1 strike out on line 5, page 1, the figures "3,600" and insert "\$4,000" in lieu thereof.

Mr. Peterson moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Love, Peterson, Addenbrooke, Jurich, Whiteley, and Keough.

Amendment offered by Mr. Peterson was lost.

The following amendment by Mr. Jurich was offered: To section 1 add the following: "Said State Engineer shall devote all the time and attention which said office may require."

Moved by Mr. Jurich, duly seconded, that the amendment be adopted.

Motion lost.

Remarks by Messrs. Love, Jurich, and Whiteley.

The following amendment was offered by Committee on Ways and Means: In section 2 insert the words "also one Deputy State Engineer at a salary of not to exceed \$2,200 per annum," after the word "annum" on line 8, page 2.

On motion of Mr. Addenbrooke, the amendment was adopted.

The following amendment was offered by Mr. Peterson: In section 2 strike out on line 8, page 2, the figures "\$2,400" and insert "\$3,000" in lieu thereof.

Mr. Peterson moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Love, Peterson, Addenbrooke, and Laing.

Motion lost.

The following amendment was offered by Mr. Jurich: Add the following section: "SEC. 3. The above Act shall not take effect until January 1, 1924."

Mr. Jurich moved, duly seconded, that this amendment be adopted.

Remarks by Messrs. Keough, Houlahan, Laing, Jurich, Love, Swanson, Addenbrooke, and Marsh.

Motion lost.

Roll-call on amendment offered by Mr. Peterson, to section 1 of Senate Bill No. 84:

YEAS—Carpenter, Davison, Hayes, Hays, James, Jurich, Laing, Marsh, Martin, Millar, Patterson, Peterson, and Robb—13.

NAYS—Addenbrooke, Garaventa, Geraghty, Gosse, Henderson, Heinrichs, Hussman, Keough, Long, Love, Meyers, Murphy, Nelson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—20.

Absent—Kennedy and Stites—2.

Not voting—Houlahan and Mr. Speaker—2.

The roll-call showed the amendment was lost.

Roll-call on Senate Bill No. 84, as amended:

YEAS—Addenbrooke, Garaventa, Geraghty, Gosse, Henderson, Heinrichs, Hussman, Jurich, Keough, Long, Love, Meyers, Murphy, Nelson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—21.



NAYS—Carpenter, Davison, Hayes, Hays, Houlahan, James, Laing, Marsh, Martin, Millar, Patterson, Peterson, and Robb—13.

Absent—Kennedy and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 84, having received a constitutional majority, was passed.

Mr. Jurich gave notice that, on the next legislative day, he would ask for a reconsideration of the vote by which Senate Bill No. 84 was passed.

Assembly Bill No. 163.

Remarks by Miss Gosse, Messrs. Meyers, Swanson, Whiteley, and Marsh.

Roll-call on Assembly Bill No. 163:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Kennedy and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 163, having received a constitutional majority, was passed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Kennedy and Stites, who were excused.

#### SPECIAL ORDER

On motion of Mr. Long, duly seconded and carried, special order of business set for Thursday, March 8, 1923, at 2 p. m., was vacated and Assembly Bill No. 93 placed at the bottom of the file.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Public Morals has had Assembly Bill No. 212 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

ROY W. MARTIN, *Chairman.*

*Mr. Speaker:*

Your Committee on Banks and Banking has had Assembly Bill No. 196 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

P. L. NELSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Fish and Game has had Assembly Bills Nos. 200 and 203 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

Your Committee on Military and Indian Affairs has had Senate Bill No. 128

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

HARRY SWANSON, *Chairman.*

#### INTRODUCTION AND FIRST READING

By Esmeralda County Delegation:

Assembly Bill No. 228—An Act to amend section 1 of an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada and to repeal all Acts and parts of Acts in conflict herewith," approved March 22, 1915.

On motion of Mr. Davison, 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.

#### MOTIONS AND RESOLUTIONS

By Mr. Jurich:

Assembly Resolution No. 14:

*Resolved by the Assembly,* That the attachés of this body be paid mileage back to their respective residences out of the Legislative Fund at the statutory rate provided for members of the Legislature; that the amount of such mileage due to each attaché be calculated by the Sergeant-at-Arms and be paid by the Controller upon the certificate of the Sergeant-at-Arms of the respective amounts.

Remarks by Messrs. Jurich, Whiteley, Addenbrooke, Whitmore, and Nelson.

Moved by Mr. Geraghty, duly seconded, that resolution be indefinitely postponed.

Messrs. Marsh, Swanson, and Jurich asked for roll-call on Assembly Resolution No. 14.

Roll-call on motion to indefinitely postpone:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Henderson, Henrichs, Houlahan, Hussman, Keough, Laing, Love, Martin, Murphy, Nelson, Swanson, Tandy, Whiteley, Whitmore, and Yeager—19.

NAYS—Carpenter, Hayes, James, Jurich, Long, Marsh, Meyers, Patterson, Peterson, Robb, and Whitesides—11.

Absent—Gosse, Hays, Kennedy, Millar, Stites, and Towle—6.

Not voting—Mr. Speaker.

Mr. Speaker declared the motion to indefinitely postpone Assembly Resolution No. 14 carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 164.

Remarks by Mr. Whiteley.

Roll-call on Assembly Bill No. 164:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Hayes, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Martin, Meyers, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—None.

Absent—Gosse, Hays, Kennedy, Millar, Stites, and Towle—6.

Not voting—Marsh and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 164, having received a constitutional majority, was passed.

Assembly Bill No. 188.

Remarks by Mr. Whiteley.

## Roll-call on Assembly Bill No. 188 :

YEAS—Carpenter, Davison, Garaventa, Geraghty, Hayes, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Martin, Meyers, Murphy, Nelson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—25.

NAYS—Marsh, Patterson, and Peterson—3.

Absent—Addenbrooke, Gosse, Hays, Kennedy, Love, Millar, Stites, and Towle—8.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 188, having received a constitutional majority, was passed.

## Assembly Bill No. 199.

Remarks by Mr. Martin.

## Roll-call on Assembly Bill No. 199 :

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, and Yeager—30.

NAYS—None.

Absent—Addenbrooke, Kennedy, Love, Stites, Swanson, and Whitmore—6.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 199, having received a constitutional majority, was passed.

## SPECIAL ORDER

The time having arrived for special order of business set for Thursday, March 8, 1923, at 2:30 p. m., the Assembly took up Assembly Joint Resolution No. 10, which was vetoed by the Governor on March 3, 1923.

Assembly Joint Resolution No. 10, together with veto message, was read in full.

The question was: "Shall the bill pass, notwithstanding the objections of the Governor?"

## Roll-call :

YEAS—Garaventa, Gosse, Hussman, Keough, Long, Love, Murphy, Nelson, Patterson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—16.

NAYS—Carpenter, Davison, Geraghty, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Laing, Marsh, Martin, Meyers, Millar, Peterson, and Robb—17.

Absent—Addenbrooke, Kennedy, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 10, having failed to receive the necessary two-thirds vote, was lost, and the Governor's veto sustained.

## GENERAL FILE AND THIRD READING

## Senate Bill No. 100.

Remarks by Mr. Peterson.

## Roll-call on Senate Bill No. 100 :

YEAS—Carpenter, Davison, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Laing, Long, Love, Marsh, Martin,



Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Garaventa, Kennedy, and Stites—3.

Not voting—Addenbrooke, Keough, and Mr. Speaker—3.

Mr. Speaker declared that Senate Bill No. 100, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate has refused to concur in the Assembly's amendments to Senate Substitute for Senate Bill No. 20.

Also, to return Assembly Concurrent Resolutions Nos. 13 and 14, which were adopted unanimously by the Senate.

Also, Assembly Bill No. 145, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, to present Senate Bill No. 151, which passed—Yeas, 15; nays, none; absent, 2.

Also, Senate Bill No. 124, which passed, as amended—Yeas, 17; nays, none.

VIVIAN RICKEY.

*Assistant Secretary of the Senate.*

On motion of Mr. Whiteley, duly seconded and carried, the Speaker appointed a conference committee to meet a like committee from the Senate to consider the Assembly amendments to Senate Substitute for Senate Bill No. 20, consisting of Messrs. Whiteley, Nelson, and Laing.

On motion of Mr. Nelson, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 145.

#### INTRODUCTION AND FIRST READING

By Mr. Whiteley:

Assembly Bill No. 229—An Act to provide for distinctive and appropriate marking of the Nevada Heroes Memorial Building and for the purchase of bronze memorial tablets, and matters properly relating thereto.

On motion of Mr. Whiteley, 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.

Senate Bill No. 124—An Act to provide for a method for voting at any general, special or primary election by qualified voters who reside in an election precinct where there were not more than twenty voters registered for the last preceding general election or in a precinct where it shall appear to the satisfaction of the Board of County Commissioners that there are not more than twenty qualified electors, providing penalties for the violation thereof, and other matters properly connected therewith.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

Senate Bill No. 151—An Act to amend section 1 of an Act entitled

"An Act fixing and regulating the salaries of certain officers of Washoe County, Nevada, and the compensation of deputies and assistants in office," approved March 11, 1915.

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

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 40, 169, 70, 91, 144, 152, and 92 with the engrossed copies, finds the same correctly enrolled, and has delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 139.

The following amendment was offered by the Washoe County Delegation: Change the six thousand (\$6,000) dollars to five thousand (\$5,000).

On motion of Mr. Geraghty, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Geraghty and Jurich.

Roll-call on Assembly Bill No. 139, as amended:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—Nelson.

Absent—Hussman, Kennedy, and Stites—3.

Not voting—Carpenter, Laing, Murphy, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 139, having received a constitutional majority, was passed.

Assembly Bill No. 151.

The following amendment was offered by Mr. Addenbrooke: Include the following sentence to commence in section 4 on line 10, page 2: "The Sheriff may, when the Board of County Commissioners deems it necessary, appoint a woman deputy at a rate of salary not to exceed \$125 per month."

On motion of Mr. Geraghty, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Nelson.

Roll-call on Assembly Bill No. 151, as amended:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Hussman, Kennedy, and Stites—3.

Not voting—Carpenter, Laing, and Mr. Speaker—3.

Mr. Speaker declared that Assembly Bill No. 151, having received a constitutional majority, was passed.



Assembly Bill No. 146.

On motion of Mr. Garaventa, duly seconded and carried, Assembly Bill No. 146 was laid on the table.

Assembly Joint Resolution No. 17.

Remarks by Mr. Jurich.

Roll-call on Assembly Joint Resolution No. 17:

YEAS—Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Laing, Long, Love, Martin, Meyers, Millar, Murphy, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—26.

NAYS—Addenbrooke, Nelson, Patterson, and Swanson—4.

Absent—Davison, Hussman, Kennedy, Marsh, and Stites—5.

Not voting—Keough and Mr. Speaker—2.

Mr. Speaker declared that Assembly Joint Resolution No. 17, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 18.

Remarks by Messrs. Jurich and Long.

Roll-call on Assembly Joint Resolution No. 18:

YEAS—Addenbrooke, Davison, Geraghty, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Keough, Laing, Love, Marsh, Martin, Millar, Nelson, Patterson, Peterson, Robb, Tandy, Whiteley, and Yeager—23.

NAYS—Carpenter, Long, Meyers, Murphy, Towle, and Whitmore—6.

Absent—Hussman, Kennedy, and Stites—3.

Not voting—Garaventa, Gosse, Swanson, Whitesides, and Mr. Speaker—5.

Mr. Speaker declared that Assembly Joint Resolution No. 18, having received a constitutional majority, was passed.

Mr. Love gave notice that on the next legislative day he would move for a reconsideration of the vote taken on Assembly Joint Resolution No. 18.

Assembly Bill No. 179.

Mr. Jurich moved, duly seconded, that Assembly Bill No. 179 be laid on the table.

Motion lost.

The following amendment was offered by Mr. Tandy: Strike out all of line 8, section 1, page 1, after the word "schools"; all of line 9 and the word "and" at the beginning of line 10.

Moved by Mr. Tandy, duly seconded, that the amendment be adopted.

Remarks by Mr. Tandy and Miss Towle.

Motion lost.

Roll-call on Assembly Bill No. 179:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Henrichs, Houlahan, Hussman, Keough, Laing, Long, Love, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Towle, Whiteley, Whitmore, and Yeager—22.

NAYS—Hays, James, Jurich, Robb, and Tandy—5.

Absent—Henderson, Kennedy, and Stites—3.

Not voting—Geraghty, Hayes, Marsh, Martin, Swanson, Whitesides, and Mr. Speaker—7.

Mr. Tandy offered the following amendment to the title of Assembly Bill No. 179: Amend the title by striking out the words "under state supervision" in the first line of the title.



On motion of Mr. Tandy, duly seconded and carried, the amendment was adopted.

Mr. Speaker declared that Assembly Bill No. 179, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 108, which this day passed the Senate—Yeas, 17; nays, none.

Also, Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97, which passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 132, which passed, as amended—Yeas, 17; nays, none.

Also, Senate Bill No. 142, which passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Bill No. 144, which passed—Yeas, 17; nays, none.

Also, Senate Bill No. 146, which passed, as amended—Yeas, 14; nays, 3.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 108—An Act relating to the Nevada State Historical Society and providing effect of certified copy of any file, document or record in the custody thereof.

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

Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, for the irrigation and drainage of lands and other related undertakings thereby, and for the acquisition and distribution of water and other property, construction, operation and maintenance of works, diversion, storage, distribution, collection and carriage of water, cooperation with the United States; and matters properly connected therewith," approved March 19, 1919, and all Acts and parts of Acts amendatory thereof and supplementary thereto.

On motion of Mr. Henderson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Irrigation.

Senate Bill No. 132—An Act to provide for the purchase of a site, construction of high-school buildings and gymnasium and equipping of same, in Yerington, Lyon County, Nevada, the holding of an election and the issuance of bonds and the levying of a tax, and other matters properly related thereto and connected therewith.

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

Senate Bill No. 144—An Act to amend section 78 of an Act entitled "An Act concerning conveyances," approved November 5, 1861.

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

Senate Bill No. 142—An Act authorizing and directing the State Board of Education to advertise for bids and to let contracts for furnishing to the public schools supplies, materials, or equipment, and matters properly relating thereto.

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

Senate Bill No. 146—An Act relating to hunting and fishing licenses, and permitting Indians to market fish under certain restrictions.

On motion of Mr. Whitesides, 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.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly adjourned until 10 a. m. Friday, March 9, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 9, 1923.

Assembly called to order at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Bill No. 126 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

Your Committee on Fish and Game has had Assembly Bill No. 166 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

Your Committee on Elections has had Assembly Bill No. 182 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

C. E. WHITESIDES, *Chairman.*

### MOTIONS AND RESOLUTIONS

On motion of Mr. Long, duly seconded and carried, Assembly reprint of Assembly Bill No. 93 was placed at the top of the file.

### INTRODUCTION AND FIRST READING

By Mr. Meyers:

Assembly Bill No. 230—An Act to amend section 1 of an Act entitled "An Act to regulate the fees to be charged and collected by the County Clerk of Ormsby County, State of Nevada, and to repeal all other Acts and parts of Acts in conflict herewith," approved March 5, 1923.

On motion of Mr. Meyers, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Ormsby County Delegation.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 93 (reprinted with amendments).

The following amendment was offered by Mr. Long: Strike out all of section 2 and all of section 3.

On motion of Mr. Long, duly seconded and carried, the amendment was adopted.



The following amendment was offered by Mr. Whiteley: In section 4 on page 5, line 24, strike out the words "twenty-two thousand," and insert in lieu thereof the words "twenty-five thousand."

On motion of Mr. Whiteley, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Whiteley, Long, Jurich, and Love.

Roll-call on Assembly Bill No. 93:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—31.

NAYS—Long and Meyers—2.

Absent—Gosse and Stites—2.

Not voting—Whitmore and Mr. Speaker—2.

Mr. Long offered the following amendment to the title of the bill: In line 1 of the title strike out the figure 2 and comma and the figure 10.

On motion of Mr. Long, duly seconded and carried, the amendment was adopted.

Mr. Speaker declared that Assembly Bill No. 93, having received a constitutional majority, was passed.

On motion of Miss Towle, duly seconded and carried, Senate Bills were placed at the bottom of the file.

Assembly Bill No. 186.

Miss Towle moved, duly seconded, that Assembly Bill No. 186 be indefinitely postponed.

Motion lost.

Remarks by Messrs. Meyers, Keough, Kennedy, Jurich, Long, Marsh, and Tandy.

Roll-call on Assembly Bill No. 186:

YEAS—Addenbrooke, Carpenter, Davison, Gosse, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—28.

NAYS—Geraghty, Hayes, Kennedy, Long, and Towle—5.

Absent—Henderson and Stites—2.

Not voting—Garaventa and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 186, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 98, which passed the Senate as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 99, which passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 129, which passed—Yeas, 14; nays, none; absent, 3.

Also, Assembly Bill No. 140, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 154, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 160, which passed—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Geraghty, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 98.

On motion of Miss Towle, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 140.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 154.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 195.

Mr. Long moved, duly seconded, to indefinitely postpone Assembly Bill No. 195.

Motion lost.

Roll-call on Assembly Bill No. 195:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, James, Jurich, Kennedy, Keough, Love, Marsh, Martin, Meyers, Millar, Nelson, Peterson, Swanson, Tandy, Whiteley, Whitmore, and Yeager—26.

NAYS—Carpenter, Long, Murphy, and Towle—4.

Absent—Hussman and Stites—2.

Not voting—Laing, Patterson, Robb, Whitesides, and Mr. Speaker—5.

Mr. Speaker declared that Assembly Bill No. 195, having received a constitutional majority, was passed.

Assembly Substitute for Assembly Bill No. 23.

Remarks by Messrs. Peterson, Whiteley, and Kennedy.

The following amendment was offered by Mr. Kennedy: In section 4 strike out line 21 after the word "stockholders" and all of line 22 on page 3.

On motion of Mr. Kennedy, duly seconded and carried, the amendment was adopted.

Roll-call on Assembly Substitute for Assembly Bill No. 23:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—28.

NAYS—None.

Absent—Henderson and Stites—2.

Not voting—Garaventa, Hays, Henrichs, Love, Robb, Whitmore, and Mr. Speaker—7.

Mr. Speaker declared that Assembly Substitute for Assembly Bill No. 23, having received a constitutional majority, was passed.

Assembly Bill No. 201.

Mr. Long moved, duly seconded that Assembly Bill No. 201 be indefinitely postponed.

Motion lost.

Remarks by Messrs. Kennedy, Marsh, Long, and Jurich.

Roll-call on Assembly Bill No. 201:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Laing, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Robb, Swanson, Tandy, Whiteley, and Yeager—27.

NAYS—Keough, Long, Murphy, Peterson, Whitesides, and Whitmore—6.

Absent—Henderson and Stites—2.

Not voting—Towle and Mr. Speaker—2.



Mr. Speaker declared that Assembly Bill No. 201, having received a constitutional majority, was passed.

Assembly Bill No. 210.

Remarks by Messrs. Lockhart and Marsh.

Roll-call on Assembly Bill No. 210.

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—Davison, Long, and Tandy—3.

Absent—Henrichs and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 210, having received a constitutional majority, was passed.

Assembly Bill No. 208.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Long and Tandy—2.

Absent—Stites.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 208, having received a constitutional majority, was passed.

#### MOTIONS AND RESOLUTIONS

By Washoe County Delegation:

Assembly Concurrent Resolution No. 15:

WHEREAS, Typographical errors appear in Assembly Bill No. 98, which has been sent to the Enrollment Committee; be it

*Resolved by the Assembly, the Senate concurring,* That said bill be requested returned to the Assembly and when so returned the Enrollment Committee be and is hereby authorized to correct as follows: In line 12, page 1, insert the word "dollars" after the figures "\$4,408.32." In line 1, page 2, after the figures "\$4,408.32" insert the word "dollars." In line 8, page 2, after the figures "\$4,408.32" insert the word "dollars."

On motion of Mr. Addenbrooke, duly seconded and carried, Assembly Concurrent Resolution No. 15 was adopted.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 194.

Remarks by Mr. Nelson.

Roll-call on Assembly Bill No. 194:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Carpenter.

Absent—Houlahan and Stites—2.

Not voting—Laing and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 194, having received a constitutional majority, was passed.



Assembly Bill No. 187.

Remarks by Messrs. Whiteley, Jurich, and Long.

Roll-call on Assembly Bill No. 187:

YEAS — Addenbrooke, Garaventa, Geraghty, Gosse, Henderson, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Meyers, Nelson, Patterson, Towle, Whiteley, Whitmore, and Mr. Speaker—21.

NAYS — Carpenter, Davison, Hayes, Hays, Long, Marsh, Martin, Millar, Murphy, Peterson, Robb, Swanson, Tandy, Whitesides, and Yeager—15.

Absent—Stites.

Mr. Speaker declared that Assembly Bill No. 187, having received a constitutional majority, was passed.

Mr. Jurich gave notice that on the next legislative day he would move for a reconsideration of the vote by which Assembly Bill No. 187 was passed.

On motion of Mr. Yeager, duly seconded and carried, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Stites, who was excused.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Corporations and Railroads has had Assembly Bill No. 68 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, as amended.

E. C. MURPHY, *Chairman.*

*Mr. Speaker:*

Your Committee on Internal Improvements has had Assembly Bill No. 74 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

FRANK L. GARAVENTA, *Chairman.*

*Mr. Speaker:*

Your Committee on Elections has had Assembly Bill No. 167 and Senate Bill No. 124 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

C. E. WHITESIDES, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bill No. 156 under consideration, and begs leave to report unfavorably on the same, with the recommendation that it do not pass.

Also, Assembly Bill No. 223, and reports favorably on the same, with the recommendation that it do pass.

Also, Assembly Bills Nos. 213, 214, 215, 216, 218, and 220, and reports the same without recommendation.

Also, Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4, and reports the same favorably, with the recommendation that they do pass, as amended.

Also, Senate Bills Nos. 108, 114, and 144, and reports same favorably, with the recommendation that they do pass.

Also, Senate Bill No. 129, and reports same favorably, with the recommendation that it do pass, as amended.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Printing has had Assembly Bill No. 131 under considera-

tion, and begs leave to report unfavorably on the same, with the recommendation that it do not pass.

D. H. TANDY, *Chairman*.

*Mr. Speaker:*

Your Committee on Military and Indian Affairs has had Assembly Bill No. 224 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

HARRY SWANSON, *Chairman*.

*Mr. Speaker:*

Your Committee on Irrigation has had Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

GEO. G. HUSSMAN, *Chairman*.

*Mr. Speaker:*

The Lander County Delegation has had Assembly Bill No. 132 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass as amended.

D. H. TANDY, *Chairman*.

*Mr. Speaker:*

The Clark County Delegation has had Assembly Bill No. 190 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

ROY W. MARTIN, *Chairman*.

*Mr. Speaker:*

The Ormsby County Delegation has had Assembly Bill No. 230 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. G. MEYERS, *Chairman*.

*Mr. Speaker:*

The Lincoln County Delegation has had Senate Bill No. 118 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

H. E. LOVE, *Chairman*.

*Mr. Speaker:*

Your Joint Conference Committee has had Senate Substitute for Senate Bill No. 28 under consideration, and begs leave to report that the conference has agreed upon the following amendments which we recommend be adopted:

Strike all of lines 25, 26, and 27, and insert in lieu thereof the following words: "that all owners of motor vehicles acquired after the first day of July of any year shall be required to furnish the Secretary of State with an affidavit that he became the owner of such vehicle subsequent to the first day of July, and be required to pay for that year one-half the annual license fee required by this Act."

Amend section 1, page 2, by adding an additional clause after line 31, such additional clause to read as follows: "(d) The Sheriff of each county and all other peace officers shall require that a license is procured by the owner of each and every automobile, motorcycle and other motor vehicle of a similar nature, as provided for in this Act."

In section 3, page 4, strike out all of line 11, commencing with the word "upon" and all the balance of the section and add in lieu thereof the following: "Upon transfer of ownership of a vehicle its registration shall be temporarily suspended and the original owner is hereby required to notify the Secretary of State immediately of the name and address of the new owner or dealer, and return the registration card, together with a fee of fifty (50) cents for transfer of license, to the Secretary of State, who, if satisfied of the genuineness and regularity of the transfer, shall reregister said motor vehicle in the name of the new owner or dealer."

MARGUERITE H. GOSSE,  
SENATOR SHEEHAN.

Upon motion of Miss Gosse, duly seconded and carried, the conference report on Senate Substitute for Senate Bill No. 28 was adopted.



## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate this day appointed a conference committee, consisting of Senators Sheehan, Cowles, and Sprague, to confer with your like committee on Senate Substitute for Senate Bill No. 20.

Also, to return Assembly Concurrent Resolution No. 13, which was this day adopted unanimously by the Senate.

Also, Assembly Bill No. 83, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 191, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 142, which passed, as amended—Yeas, 15; nays, none; absent, 2.

Also, to present for your consideration Senate Bill No. 80, which passed, as amended—Yeas, 12; nays, 5.

Also, Senate Bill No. 134, which passed—Yeas, 15; nays, none; absent, 2.

Also, Senate Bill No. 147, which passed—Yeas, 13; nays, 1; absent, 3.

Also, Senate Bill No. 149, which passed—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Houlahan, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 142.

## MOTIONS AND RESOLUTIONS

Mr. Hayes gave notice that on the next legislative day he would move for a reconsideration of the vote taken on Assembly Bill No. 210.

On motion of Mr. Whiteley, duly seconded, Senate Bill No. 120 was referred to Committee on Judiciary.

On motion of Mr. Jurich, duly seconded, Messrs. Martin and Henderson were excused on Monday, Tuesday, and Wednesday of next week to act on reception committee to confer with visiting Congressmen on the Boulder Dam site.

On motion of Mr. Meyers, duly seconded, Assembly Bill No. 166 was placed at the top of the file for third reading and final passage.

## INTRODUCTION AND FIRST READING

Senate Bill No. 60—An Act empowering and requiring the Board of Regents of the Nevada State University to sell and dispose of certain real and personal property; providing for the disposition of the proceeds thereof, and fixing a limit of time within which the acts to be performed by said Board of Regents shall be completed.

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

## GENERAL FILE AND THIRD READING

Assembly Bill No. 166.

Remarks by Messrs. Meyers and Nelson.

Roll-call on Assembly Bill No. 166:

YEAS—Carpenter, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Laing, Marsh, Martin, Meyers, Murphy, Patterson, Peterson, Robb, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—22.



NAYS—Davison, Garaventa, Gosse, Kennedy, Long, Millar, Nelson, and Towle—8.

Absent—Houlahan, Love, and Stites—3.

Not voting—Addenbrooke, Geraghty, Keough, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 166, having received a constitutional majority, was passed.

Assembly Bill No. 198.

On motion of Mr. Hussman, duly seconded, Assembly Bill No. 198 was laid on the table.

Assembly Bill No. 65.

The following amendment was offered by Mr. Swanson: Strike out all of section 5, and change section 6 to read "Section 5."

On motion of Mr. Swanson, duly seconded, the amendment was adopted.

Remarks by Messrs. Swanson, Addenbrooke, and Kennedy.

Roll-call on Assembly Bill No. 65:

YEAS—Addenbrooke, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Kennedy, Keough, Laing, Love, Martin, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—27.

NAYS—Carpenter, Davison, Jurich, Long, Marsh, and Meyers—6.

Absent—Houlahan and Stites—2.

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 65, having received a constitutional majority, was passed.

Assembly Bill No. 94.

On motion of Miss Gosse, duly seconded and carried, Assembly Bill No. 94 was indefinitely postponed.

Assembly Bill No. 206.

The following amendment was offered by the Judiciary Committee: In section 1, page 1, line 5, after the comma insert "and session laws 1921"; page 1, line 5, strike out "10" and insert in lieu thereof "12"; page 1, line 5, strike out "three" and insert in lieu thereof "four."

On motion of Mr. Kennedy, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Kennedy, Whitesides, Henderson, Tandy, Jurich, Addenbrooke, Patterson, and Swanson.

The following amendment, offered by Mr. Kennedy, was adopted: Add to section 1: "*provided, however,* that no member of the Legislature shall have the privilege of purchasing more than one complete set of said books."

Roll-call on Assembly Bill No. 206, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Towle, Whitmore, and Yeager—30.

NAYS—Tandy, Whiteley, and Whitesides—3.

Absent—Houlahan, Hussman, and Stites—3.

Not voting—Mr. Speaker.

Mr. Whiteley offered the following amendment to the title of the bill: Place a comma after "1920" in place of the period, and add "and session laws of 1921."

On motion of Mr. Whiteley, duly seconded and carried, the amendment was adopted.

Mr. Speaker declared that Assembly Bill No. 206, having received a constitutional majority, was passed.

Assembly Bill No. 79.

The following amendment was offered by Mr. Henderson: Strike out all of section 874g.

On motion of Mr. Henderson, duly seconded and carried, the amendment was adopted.

The following amendments were offered by the Committee on Judiciary: In section 1 strike out between the words "prosecution" and "defense" in line 25, page 4, the word "of" and insert in lieu thereof the word "or"; also strike out the words "or at any time" in line 28, page 4, and change the comma to a period.

On motion of Mr. Jurich, duly seconded and carried, the amendments were adopted.

The following amendments were offered by the Committee on Judiciary: Strike out the word "superior" in line 13, page 5, and insert in lieu thereof the word "district"; also strike out all of line 14, page 5, following the comma after the word "held" and all of lines 15, 16 and 17, and insert in lieu thereof the following: "and the prevailing party upon such appeal shall be awarded an attorney's fee in the sum of fifteen dollars by the said District Court."

On motion of Mr. Geraghty, duly seconded and carried, the amendments were adopted.

The following amendment was offered by the Committee on Judiciary: Change the period at the end of line 5, page 8, to a semicolon and add the following: "*and provided further*, that the remedy provided and given by sections 874a to 874p, both inclusive, of this Act, shall not be deemed to bar any other remedy or action now provided by law."

On motion of Mr. Kennedy, duly seconded and carried, the amendment was adopted.

The following amendment, offered by Mr. Whiteley, was adopted: In section 874k strike out lines 10 and 11 beginning with the word "plaintiff"; in line 11 insert between "the" and "defendant" the words "plaintiff or"; in line 11 change the word "is" to "be."

On motion of Mr. Whiteley, duly seconded and carried, the amendment was adopted.

Remarks by Miss Towle, Mrs. Hays, Messrs. Jurich, Hayes, and Robb.

Roll-call on Assembly Bill No. 79:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Houlahan and Stites—2.

Not voting—Mr. Speaker.



Mr. Speaker declared that Assembly Bill No. 79, having received a constitutional majority, was passed.

Assembly Bill No. 196.

Remarks by Mr. Nelson.

Roll-call on Assembly Bill No. 196 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Houlahan, Long, Meyers, and Stites—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 196, having received a constitutional majority, was passed.

Assembly Bill No. 200.

Remarks by Mr. Swanson.

Roll-call on Assembly Bill No. 200 :

YEAS—Addenbrooke, Carpenter, Davison, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Keough, Long, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Whiteley, Whitesides, Whitmore, and Yeager—28.

NAYS—Laing, Love, Tandy, and Miss Towle—4.

Absent—Houlahan, Kennedy, and Stites—3.

Not voting—Garaventa and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 200, having received a constitutional majority, was passed.

Assembly Bill No. 203.

Mr. Henderson moved, duly seconded, that Assembly Bill No. 203 be rereferred to Committee on Fish and Game.

Remarks by Messrs. Swanson and Jurich.

Motion carried.

Assembly Bill No. 180.

The following amendment was offered by Mr. Patterson: In section 1 strike out the word "annually" in line 1, page 1, and insert in lieu thereof the following: "On or before May 1, 1923, and annually thereafter"; also strike out the word "and" in line 15, page 1, and insert in lieu thereof the word "said"; also in line 1, page 2, strike out the words "at the time of levying taxes"; add a section to be known as section 7: All Acts and parts of Acts in conflict herewith are hereby repealed.

On motion of Mr. Patterson, duly seconded and carried, the amendments were adopted.

Roll-call on Assembly Bill No. 180 :

YEAS—Addenbrooke, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Carpenter, Davison, Houlahan, Kennedy, and Stites—5.

Not voting—Mr. Speaker.



Mr. Speaker declared that Assembly Bill No. 180, having received a constitutional majority, was passed.

Assembly Bill No. 212.

Mr. Jurich moved, duly seconded, that Assembly Bill No. 212 be laid on the table.

Motion lost.

Remarks by Messrs. Henderson, Long, Marsh, Jurich, Laing, Patterson, and Meyers.

Roll-call on Assembly Bill No. 212:

YEAS—Addenbrooke, Garaventa, Geraghty, Gosse, Henderson, Henrichs, Hussman, Keough, Laing, Love, Martin, Meyers, Millar, Patterson, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—21.

NAYS—Carpenter, Davison, James, Jurich, Long, Marsh, Murphy, Peterson, Robb, and Whitesides—10.

Absent—Hayes, Houlahan, Kennedy, and Stites—4.

Not voting—Hays and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 212, having received a constitutional majority, was passed.

Senate Bill No. 110.

Remarks by Messrs. Patterson and Whiteley.

Roll-call on Senate Bill No. 110:

YEAS—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—None.

Absent—Davison, Henderson, Houlahan, and Stites—4.

Not voting—Love, Swanson, and Mr. Speaker—3.

Mr. Speaker declared that Senate Bill No. 110, having received a constitutional majority, was passed.

Senate Bill No. 106.

The following amendment, offered by the Committee on Judiciary, was, on motion of Mr. Whiteley, duly seconded and carried, adopted: In subdivision 4, page 2, line 25, change the first word "dollars" to "shares"; strike out the comma following and the rest of lines 25, 26, and 27 to the semicolon in line 27.

Roll-call on Senate Bill No. 106:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Hayes, Henderson, James, Jurich, Kennedy, Keough, Laing, Long, Marsh, Meyers, Millar, Murphy, Patterson, Peterson, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—25.

NAYS—None.

Absent—Houlahan, Martin, and Stites—3.

Not voting—Gosse, Hays, Henrichs, Hussman, Love, Nelson, Robb, Whitesides, and Mr. Speaker—9.

Mr. Speaker declared that Senate Bill No. 106, having received a constitutional majority, was passed.

Senate Bill No. 136.

Remarks by Messrs. Long and Jurich.

Roll-call on Senate Bill No. 136:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Henrichs, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Houlahan and Stites—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 136, having received a constitutional majority, was passed.

On motion of Mr. Geraghty, duly seconded and carried, the Assembly adjourned until Saturday, March 10, 1923, at 10 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FIFTY-FIFTH DAY

---

CARSON CITY (Saturday), March 10, 1923.

Assembly called to order at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Geraghty, James, and Stites, who were excused.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whitmore, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Substitute for Assembly Bill No. 118, and Assembly Bills Nos. 223, 224, 225, 226, and 227, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 145 with the engrossed copy, finds the same correctly enrolled, and has delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Fish and Game has had Assembly Joint Resolution No. 15 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 203, and reports same favorably, with the recommendation that it do pass, with the amendment offered.

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

Your Committee on Public Morals has had Assembly Joint Resolution No. 16 under consideration, and begs leave to recommend that the same be referred to the Ormsby and Washoe Delegations.

ROY W. MARTIN, *Chairman.*

*Mr. Speaker:*

Your Committee on Education has had Assembly Bill No. 130 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, as amended.

Also, reports Assembly Bills Nos. 209 and 217, Senate Bill No. 142, and Senate Joint Resolution No. 8, favorably, recommending their passage.

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

Your Committee on Elections has had Assembly Bill No. 175 under consideration, and begs leave to report the same without recommendation.

C. E. WHITESIDES, *Chairman.*

*Mr. Speaker:*

Your Committee on Corporations and Railroads has had Assembly Bill No. 225 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

E. C. MURPHY, *Chairman.*



*Mr. Speaker:*

Your Committee on Judiciary has had Senate Bill No. 75 under consideration, and begs leave to report favorably on the same, with the recommendation that the substitute bill offered be adopted.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Counties and County Boundaries has had Senate Bill No. 139 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 192 under consideration, and reports unfavorably on the same, with the recommendation that it do not pass.

H. E. LOVE, *Chairman.*

*Mr. Speaker:*

The Lyon County Delegation has had Senate Bill No. 132 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

LYON COUNTY DELEGATION.

#### MOTIONS AND RESOLUTIONS

Mr. Hayes moved, duly seconded, that the Assembly reconsider vote taken on Assembly Bill No. 210.

Roll-call demanded by Messrs. Marsh, Hayes, and Tandy:

YEAS—Carpenter, Davison, Hayes, Long, Marsh, Robb, Tandy, and Whitmore—8.

NAYS—Addenbrooke, Garaventa, Gosse, Hays, Henderson, Henrichs, Houlihan, Hussman, Jurich, Kennedy, Keough, Laing, Love, Martin, Millar, Murphy, Nelson, Patterson, Peterson, Swanson, Towle, Whiteley, Whitesides, and Yeager—24.

Absent—Geraghty, James, and Stites—3.

Not voting—Meyers and Mr. Speaker—2.

Mr. Speaker declared the motion to reconsider vote on Assembly Bill No. 210 lost.

#### INTRODUCTION AND FIRST READING

By Elko Delegation:

Assembly Bill No. 231—An Act to amend section 8 of an Act entitled "An Act to provide a general highway law for the State of Nevada," approved March 23, 1917, as amended by Act approved February 21, 1919, as amended March 25, 1921.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

Senate Bill No. 80—An Act to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain a training-school for nurses, and to provide suitable means for the care of such and disabled persons.

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

Senate Bill No. 134—An Act for the relief of J. F. Shaughnessy.

On motion of Mr. Swanson, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Claims.

Senate Bill No. 147—An Act to amend sections 19 and 26 of an Act

entitled "An Act providing for the protection and assistance of aged persons under certain conditions in the State of Nevada, and prescribing penalties for violation of the provisions hereof, and making an appropriation for the carrying out of its provisions," approved March 5, 1923.

On motion of Mr. Addenbrooke, 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. 149—An Act providing for the payment for extra services by certain persons.

On motion of Mr. Jurich, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Claims.

Senate Bill No. 150—An Act fixing bounties to be paid by counties for the destruction of certain noxious animals, and the method of payment.

On motion of Mr. Whitesides, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 182.

Remarks by Mr. Addenbrooke.

Roll-call on Assembly Bill No. 182:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Geraghty, James, Long, and Stites—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 182, having received a constitutional majority, was passed.

Assembly Bill No. 68.

The following amendment was offered by the Committee on Corporations and Railroads: Insert after the semicolon in line 16, page 1, the following: "for an annual license to each underwriters agency, for each company represented in such agency, twenty-five dollars; for filing annual company statement, ten dollars"; also, on page 2, line 8, strike out the word "revoked" and insert the word "recovered" in lieu thereof; also on page 2, after the word "mentioned," line 13, strike out the semicolon and insert a period in lieu thereof; also beginning with the word "and," page 2, line 13, strike out the balance of the section.

On motion of Mr. Nelson, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Addenbrooke and Nelson.

Roll-call on Assembly Bill No. 68, as amended:

YEAS—Addenbrooke, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Jurich, Kennedy, Laing, Love, Marsh, Martin, Meyers,



Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Towle, Whiteley, Whitesides, and Yeager—27.

NAYS—Carpenter, Keough, Tandy, and Whitmore—4.

Absent—Geraghty, Hussman, James, Long, and Stites—5.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 68, having received a constitutional majority, was passed.

Assembly Bill No. 74.

The following amendment was offered by Mr. Addenbrooke: Strike out the word "payment" in line 15, page 1, and insert the word "patent" in lieu thereof.

On motion of Mr. Addenbrooke, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Addenbrooke, Jurich, Henderson, Keough, and Kennedy.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 74 was rereferred to Committee on Internal Improvements.

Assembly Bill No. 167.

The following amendment was offered by Mr. Laing: Insert between the words "Board" and "shall" in line 29, page 2, the words "of County Commissioners."

On motion of Mr. Laing, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Laing.

Roll-call on Assembly Bill No. 167, as amended:

YEAS—Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Addenbrooke, Geraghty, James, Long, and Stites—5.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 167, having received a constitutional majority, was passed.

Assembly Bill No. 156.

Mr. Whiteley moved, duly seconded that Assembly Bill No. 156 be laid on the table.

Messrs. Marsh, Tandy, and Hayes asked for roll-call on motion.

Roll-call on motion to lay Assembly Bill No. 156 on the table:

YEAS—Carpenter, Garaventa, Gosse, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Laing, Love, Martin, Murphy, Nelson, Patterson, Swanson, Towle, Whiteley, Whitesides, and Yeager—20.

NAYS—Davison, Hayes, Hays, Keough, Marsh, Meyers, Millar, Peterson, Robb, Tandy, and Whitmore—11.

Absent—Addenbrooke, Geraghty, James, Long, and Stites—5.

Not voting—Mr. Speaker.

Mr. Speaker declared that the motion to lay Assembly Bill No. 156 on the table was carried.

Assembly Bill No. 223.

The following amendment, offered by Mr. Nelson, was adopted: In line 4, page 1, after the word "contain" insert the words "a copy of";



in line 6, page 1, between the words "and" and "not" insert the words "of which a copy is."

Remarks by Mr. Kennedy.

Roll-call on Assembly Bill No. 223, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Geraghty, James, Long, Love, and Stites—5.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 223, having received a constitutional majority, was passed.

Assembly Bill No. 224.

Remarks by Mr. Swanson.

Roll-call on Assembly Bill No. 224:

YEAS—Addenbrooke, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—Carpenter and Murphy—2.

Absent—Geraghty, James, Love, and Stites—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 224, having received a constitutional majority, was passed.

Assembly Bill No. 213.

Mr. Garaventa moved, duly seconded, that Assembly Bill No. 213 be laid on the table.

Motion lost.

Remarks by Messrs. Jurich, Kennedy, Henderson, and Patterson.

Roll-call on Assembly Bill No. 213:

YEAS—Carpenter, Davison, Hayes, Jurich, Long, Marsh, Millar, Peterson, and Robb—9.

NAYS—Addenbrooke, Garaventa, Gosse, Henderson, Houlahan, Kennedy, Keough, Laing, Love, Martin, Murphy, Nelson, Patterson, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—19.

Absent—Geraghty, James, and Stites—3.

Not voting—Hays, Henrichs, Hussman, Meyers, Tandy, and Mr. Speaker—6.

Mr. Speaker declared that Assembly Bill No. 213, having failed to receive a constitutional majority, was lost.

Assembly Bill No. 214.

On motion of Mr. Jurich, duly seconded, Assembly Bill No. 214 was placed at the bottom of the file.

Assembly Bill No. 215.

On motion of Mr. Love, duly seconded, Assembly Bill No. 215 was laid on the table.

Assembly Bill No. 216.

Mr. Garaventa moved, duly seconded, that Assembly Bill No. 216 be laid on the table.

Motion lost.

On motion of Mr. Jurich, duly seconded, the Clerk was authorized to make necessary corrections in enrolled bill.

Remarks by Messrs. Jurich and Long.

Roll-call on Assembly Bill No. 216:

YEAS—Carpenter, Davison, Hayes, Hays, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Long, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Whitesides, and Yeager—22.

NAYS—Henderson, Keough, Love, Murphy, Towle, and Whiteley—6.

Absent—Geraghty, James, and Stites—3.

Not voting—Addenbrooke, Garaventa, Gosse, Laing, Whitmore, and Mr. Speaker—6.

Mr. Speaker declared that Assembly Bill No. 216, having received a constitutional majority, was passed.

Assembly Bill No. 218 and Assembly Bill No. 220.

On motion of Mr. Jurich, duly seconded, Assembly Bills Nos. 218 and 220 were rereferred to Committee on Judiciary.

Assembly Bill No. 131.

On motion of Mr. Marsh, duly seconded, Assembly Bill No. 131 was laid on the table.

Assembly Bill No. 132.

The following amendment, offered by Mr. Tandy, was adopted: Strike out the word "October" and the figures "1923" in line 4, page 3, section 6, and insert in lieu thereof, the word "January" and the figures "1924."

The following amendment, offered by Mr. Tandy, was adopted: In line 5, page 3, strike out the figure 6 and insert figure 7 in lieu thereof, and in line 32, page 3, strike out figure 7 and insert figure 8.

Remarks by Messrs. Tandy and Houlahan.

Roll-call on Assembly Bill No. 132, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Geraghty, James, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 132, having received a constitutional majority, was passed.

On motion of Mr. Whitesides, duly seconded, the Assembly recessed until 2 p. m.

#### HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Geraghty, James, and Stites.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Bill No. 60 under con-

sideration, and begs leave to report unfavorably on the same, with the recommendation that it do not pass.

B. R. ADDENBROOKE, *Chairman*.

*Mr. Speaker:*

Your Committee on Public Morals has had Assembly Bill No. 174 under consideration, and begs leave to report the same without recommendation.

ROY W. MARTIN, *Chairman*.

*Mr. Speaker:*

Your Committee on Public Lands has had Assembly Bill No. 204 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

CHAS. D. KEOUGH, *Chairman*.

*Mr. Speaker:*

Your Committee on State Institutions has had Assembly Bill No. 227 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

PETER HENRICHS, *Chairman*.

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 154, 160, 129, 98, 83, 99, 142, 140, and 191 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATERSON, *Chairman*.

*Mr. Speaker:*

Your select committee—the Lincoln and Clark Delegations—has had Senate Bill No. 90 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

H. E. LOVE,

ROY W. MARTIN, *Chairman*.

*Mr. Speaker:*

Your Committee on Judiciary has had Senate Bill No. 120 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

W. M. KENNEDY, *Chairman*.

*Mr. Speaker:*

Your Conference Committee from the Assembly has met with the Conference Committee from the Senate to consider Senate Substitute for Senate Bill No. 20, and recommends that the Assembly amendments be adopted.

GEORGE A. WHITELEY, *Chairman*.

On motion of Mr. Whiteley, duly seconded and carried, the Conference Committee report on Senate Substitute for Senate Bill No. 20 was adopted.

#### MOTIONS AND RESOLUTIONS

By Mr. Jurich:

Assembly Resolution No. 15:

WHEREAS, The Chief Clerk of the Assembly has been called upon to perform and has performed considerable work during the Thirty-first Session outside of the regular duties of his office, but for the benefit and accommodation of the members of the Assembly and of the State of Nevada; and

WHEREAS, It will be necessary for him to remain at the Capitol for an indefinite period after the conclusion of the present session in order to properly complete and verify the work of the Assembly, and in the preparation and verification of the Assembly Journal to make the same ready for printing, for which services no compensation is provided by law; and

WHEREAS, On account of his court experience he is to be named by the presiding officer in the McFadden proceedings as Clerk of the Joint Session, a position entailing considerable additional work; and

WHEREAS, It is the wish and desire of the Assembly to properly compensate



those rendering valuable services to the State, so far as the same is reasonable and just; now, therefore, be it

*Resolved*, That the sum of \$200 be, and the same is hereby, appropriated out of the Legislative Fund, already created, to be paid to J. H. Causten, Chief Clerk of the Assembly of the Thirty-first Session, in recognition of and payment for the services above enumerated, and the State Controller is hereby authorized and directed to draw his warrant in favor of said J. H. Causten in the above-mentioned sum, and the State Treasurer is hereby directed to pay the same.

On motion of Mr. Jurich, duly seconded and carried, Assembly Resolution No. 15 was adopted.

By Mrs. Millar:

Assembly Resolution No. 16:

*RESOLVED*, That the Journal Clerk and the Assistant Journal Clerk be given each two days' extra pay for the completion of the Journal; and be it further

*Resolved*, That the State Controller be, and he hereby is, directed to draw his warrants in favor of Walter Whitacre, Journal Clerk, and Mrs. Sophia E. Riggle, Acting Assistant Journal Clerk, upon the Legislative Fund for the sum of twelve dollars (\$12) each, and the State Treasurer is hereby authorized to pay the same.

On motion of Mrs. Millar, duly seconded and carried, Assembly Resolution No. 16 was adopted.

Moved by Mr. Jurich, duly seconded, that the vote taken on Assembly Bill No. 87 be reconsidered.

Remarks by Messrs. Jurich, Marsh, Whiteley, Tandy, Long, and Addenbrooke.

Roll-call on the motion was demanded by Messrs. Jurich, Marsh, and Hayes.

Roll-call on motion of Mr. Jurich, to reconsider vote on Assembly Bill No. 87:

YEAS—Carpenter, Davison, Hayes, Hays, Jurich, Long, Marsh, Martin, Meyers, Millar, Peterson, Robb, and Tandy—13.

NAYS—Addenbrooke, Garaventa, Gosse, Henderson, Henrichs, Houlahan, Hussman, Kennedy, Keough, Laing, Murphy, Nelson, Patterson, Swanson, Towle, Whiteley, and Yeager—18.

Absent—Geraghty, James, and Stites—3.

Not voting—Whitesides, Whitmore, and Mr. Speaker—3.

Mr. Speaker declared the motion to reconsider vote on Assembly Bill No. 87 lost.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 156 was taken from the table.

Remarks by Messrs. Jurich, Kennedy, and Marsh.

#### INTRODUCTION AND FIRST READING

By Mr. Long:

Assembly Joint Resolution No. 19—Joint Resolution of the Legislature of the State of Nevada memorializing the Congress of the United States of America to enact an immigration bill including a provision excluding hereafter as immigrants all aliens who are ineligible to citizenship of the United States.

On motion of Mr. Long, rules were suspended, reading so far had

considered first reading, rules further suspended, joint resolution read second time by title, and referred to Committee on Federal Relations.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 190.

Remarks by Mr. Henderson.

Roll-call on Assembly Bill No. 190:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henderson, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Geraghty, James, and Stites—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 190, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Joint Resolution No. 12, which this day passed the Senate—Yeas, 13; nays, 2; absent, 1; not voting, 1.

Also, Assembly Bill No. 86, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 137, which passed—Yeas, 17; nays, none.

Also, Assembly Joint Resolution No. 17, which passed—Yeas, 17; nays, none.

Also, Assembly Bill No. 172, which passed—Yeas, 14; nays, none; absent, 3.

Also, Assembly Bill No. 148, which passed, as amended—Yeas, 17; nays, none.

Also, Assembly Bill No. 153, which passed, as amended—Yeas, 17; nays, none.

Also, Assembly Bill No. 162, which passed, as amended—Yeas, 17; nays, none.

Also, Assembly Bill No. 139, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 151, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 184, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 185, which passed, as amended—Yeas, 15; nays, 2.

Also, to present for your consideration Senate Bill No. 40, which passed, as amended—Yeas, 15; nays, 1; absent, 1.

Also, Senate Bill No. 130, which passed, as amended—Yeas, 11; nays, 6.

Also, Senate Bill No. 152, which passed—Yeas, 17; nays, none.

VIVIAN RICKEY.

*Assistant Secretary of the Senate.*

On motion of Mr. Geraghty, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 162.

On motion of Mr. Jurich, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 86.

On motion of Mr. Nelson, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 148.

On motion of Mr. Kennedy, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 153.

On motion of Mr. Laing, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 184.



On motion of Mr. Swanson, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 185.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 230.

Remarks by Mr. Meyers.

Roll-call on Assembly Bill No. 230:

YEAS—Addenbrooke, Carpenter, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—None.

Absent—Davison, Geraghty, Henderson, James, Kennedy, and Stites—6.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 230, having received a constitutional majority, was passed.

## MOTIONS AND RESOLUTIONS

Mr. Hussman moved, duly seconded, that Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97 be placed at the top of the file for immediate action.

Remarks by Messrs. Jurich, Henrichs, Long, Love, Miss Gosse, and Miss Towle.

Miss Towle and Messrs. Love and Hussman asked for roll-call on motion.

Roll-call on motion to place Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97 at the top of the file for immediate action:

YEAS—Addenbrooke, Carpenter, Garaventa, Gosse, Hayes, Henrichs, Houlahan, Hussman, Kennedy, Keough, Love, Meyers, Millar, Nelson, Robb, Swanson, Tandy, Towle, Whiteley, and Yeager—20.

NAYS—Davison, Jurich, Long, and Peterson—4.

Absent—Geraghty, Hays, Henderson, James, and Stites—5.

Not voting—Laing, Marsh, Martin, Murphy, Patterson, Whitesides, Whitmore, and Mr. Speaker—8.

Mr. Speaker declared the motion to place Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97, at the top of the file was carried.

## GENERAL FILE AND THIRD READING

Senate Substitute for Senate Bills No. 24, 73, 95, and 97.

The following amendment was offered by Mr. Long: In section 2, line 21, page 4, insert a comma after the word "meeting" and add the following: "And the said order shall be published in a newspaper in the county at least three days before the date specified for such special meeting." Further amend section 2, page 4, by striking out all that portion beginning with the word "whenever" in line 23, and ending with the word "transacted" in line 26.

Mr. Long moved, duly seconded, that amendment be adopted.

Remarks by Miss Towle and Messrs. Henrichs, Long, and Jurich.

Amendment lost.

The following amendment was offered by Mr. Long: In section 13 strike out the words "forty per cent" on line 29, page 12, and insert the words "fifteen per cent."



Mr. Long moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Hussman, Long, Henrichs, and Miss Towle.

Amendment lost.

The following amendment was offered by Mr. Long: In section 16 strike out all that portion beginning with the word "whenever" on page 14, line 31, and ending with the word "used" on page 15, line 6.

Mr. Long moved, duly seconded, that amendment be adopted.

Remarks by Messrs. Long and Henrichs.

A roll-call on the motion was demanded by Messrs. Long, Murphy, and Peterson:

YEAS—Jurich, Laing, Long, Nelson, and Peterson—5.

NAYS—Addenbrooke, Carpenter, Garaventa, Gosse, Hayes, Henrichs, Houlihan, Hussman, Kennedy, Keough, Love, Meyers, Millar, Murphy, Towle, Swanson, Whiteley, and Yeager—18.

Absent—Geraghty, Henderson, James, and Stites—4.

Not voting—Davison, Hays, Marsh, Martin, Patterson, Robb, Tandy, Whitesides, Whitmore, and Mr. Speaker—10.

Mr. Speaker declared that the amendment offered by Mr. Long was lost.

The following amendment was offered by Mr. Jurich: To section 17 add the following: "*Provided*, that in any district in which construction work has not already been commenced or authorized in the event the owner or the holder of title or evidence of title to any land in the district assessed for such improvement shall default in his payments for such improvements, no other owner of land or holder of title or evidence of title to any lands in the district shall be liable for any such defaulted payments, and in no case shall any land be held liable by lien or otherwise for more than the amount of the benefit assessed to it."

Mr. Long moved, duly seconded, that amendment be adopted.

Remarks by Messrs. Love, Jurich, Henrichs, and Hussman.

Messrs. Jurich, Long, and Murphy demanded a roll-call on the motion:

YEAS—Hays, Jurich, Long, Marsh, Murphy, Patterson, Peterson, and Robb—8.

NAYS—Addenbrooke, Carpenter, Garaventa, Gosse, Hayes, Henrichs, Houlihan, Hussman, Kennedy, Keough, Laing, Love, Martin, Meyers, Millar, Nelson, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—23.

Absent—Davison, Geraghty, Henderson, James, and Stites—5.

Not voting—Mr. Speaker.

Mr. Speaker declared that the amendment offered by Mr. Jurich was lost.

The following amendment was offered by Mr. Jurich: To section 18 add the following: "In any district in which construction work has not been commenced or authorized, the said bonds, notes, certificates of indebtedness or other evidences of indebtedness shall not be a lien upon any lands other than the lands upon which benefits have been apportioned or assessed, and then only in the amount of such apportionment or assessment, and no other lands shall be liable for any deficiency resulting from the failure of any landholder to make the payments for benefits assessed or apportioned to his lands."

Mr. Jurich moved, duly seconded, that amendment be adopted.

Remarks by Messrs. Hussman and Jurich.

Amendment lost.

Roll-call on Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—30.

NAYS—Jurich.

Absent—Geraghty, Henderson, James, Stites, and Whitesides—5.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97, having received a constitutional majority, was passed.

Mr. Long gave notice that on the next legislative day he would move for a reconsideration of the vote taken on Senate Substitute for Senate Bills Nos. 24, 73, 95, and 97.

Assembly Bill No. 214.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 214 was laid on the table.

Assembly Bill No. 156.

Roll-call:

YEAS—Davison, Hayes, Henrichs, Jurich, Long, Marsh, Meyers, Peterson, Robb, Tandy, and Whitmore—14.

NAYS—Carpenter, Gosse, Houlahan, Kennedy, Keough, Laing, Love, Martin, Millar, Murphy, Nelson, Patterson, Swanson, Whiteley, and Yeager—15.

Absent—Addenbrooke, Geraghty, Henderson, Hussman, James, Stites, and Whitesides—7.

Not voting—Garaventa, Hays, Towle, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 156, having failed to receive a constitutional majority, was lost.

Senate Bill No. 128.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henrichs, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—30.

NAYS—None.

Absent—Geraghty, Henderson, Houlahan, James, Stites, and Whitesides—6.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 128, having received a constitutional majority, was passed.

Senate Bill No. 124.

Remarks by Messrs. Meyers and Laing.

Roll-call on Senate Bill No. 124:

YEAS—Addenbrooke, Carpenter, Davison, Gosse, Hays, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—29.

NAYS—Garaventa.

Absent—Geraghty, Hayes, Henderson, James, Stites, and Whitesides—6.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 124, having received a constitutional majority, was passed.

Senate Bill No. 126.

The following amendment was offered by Mr. Whitesides: On page 1, line 9, strike out the following: "within the past eight years."

On motion of Mr. Love, duly seconded and carried, the amendment was adopted.

The following amendment was offered by Mr. Yeager: In section 1, line 20, page 2, strike out the words "livestock grower" and insert "rancher."

On motion of Mr. Yeager, duly seconded and carried, the amendment was adopted.

The following amendment was offered by Mr. Yeager: In section 2, page 2, line 32, strike out the words "livestock grower" and insert "rancher"; also, on page 3, line 1, change the semicolon to a comma and add: "and the president of the Nevada State Farm Bureau."

On motion of Mr. Yeager, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Addenbrooke.

Roll-call on Senate Bill No. 126:

YEAS—Addenbrooke, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Swanson, Towle, Whiteley, Whitmore, and Yeager—27.

NAYS—Carpenter, Davison, Peterson, and Tandy—4.

Absent—Geraghty, Henderson, James, Stites, and Whitesides—5.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 126, having received a constitutional majority, was passed.

On motion of Mr. Addenbrooke, duly seconded and carried, the Assembly adjourned until Monday, March 12, 1923, at 10 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



**THE FIFTY-SEVENTH DAY**

CARSON CITY (Monday), March 12, 1923.

Assembly called to order at 10 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Henderson and Martin, who were excused.

Invocation by Rev. J. L. Harvey.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

**IN JOINT SESSION**

At 10 a. m. the Senate and Assembly met in joint session, for the hearing of the proceedings for removal of Clarence J. McFadden as Judge of the Ninth Judicial District Court.

Lieutenant-Governor Maurice J. Sullivan, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

The Senate roll was called and the following answered to their names:

Senators Bulmer, Chapin, Cowles, Dressler, Fairchild, Fitzgerald, Fletcher, Getchell, Meder, Miller, Penrose, Scott, Sheehan, Smith, Sprague, Uniacke, and Vencil.

The President of the Senate declared a quorum of the Senate present.

Hon. J. M. Lockhart, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of the Assemblymen.

The Assembly roll was called and the following answered to their names:

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Heinrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—35.

Absent—Henderson and Martin—2.

The Speaker of the Assembly declared a quorum of the Assembly present.

President Sullivan was sworn in by Chief Justice Sanders to act as presiding officer of the Joint Session.

The presiding officer appointed J. H. Causten, Chief Clerk of the Assembly, as Clerk, Stanley Lockwood, Sergeant-at-Arms of the Assembly, as Sergeant-at-Arms, and Mrs. Evelyn Gregory as official reporter of the Joint Session.

Thereupon Mrs. Evelyn Gregory was sworn in as official reporter.

Mr. Lockhart moved, duly seconded, that the presiding officer of the Joint Session instruct the members of the Legislature assembled, and give them the admonition that is given to trial jurors, and also

advised them that they should in no wise communicate or discuss the case now pending with any one other than members of the Legislature.

Motion carried.

Admonition given by the presiding officer.

Members of the Joint Session sworn.

Clerk of the Joint Session sworn.

Hon. M. A. Diskin, Attorney-General, and Thomas E. Powell, Deputy Attorney-General, appeared for the State.

Judge Clarence J. McFadden was present in person and was represented by his attorneys, Samuel Platt, Charles Chandler, and B. L. Quayle.

President Sullivan announced that the rules contained in Assembly Joint Resolution No. 11 would be the rules of this Joint Session.

The Clerk read the complaint, which was filed March 5, 1923, on the matter of the removal proceedings against Judge C. J. McFadden.

Mr. Platt read the answer in the matter of the removal proceedings against Judge Clarence J. McFadden.

Mr. Chandler requested, in fairness to Judge McFadden, that respondent's answer be entered on the Journal of each house.

The President announced that the request would be granted.

The following is a copy of respondent's answer:

IN AND BEFORE THE LEGISLATURE OF THE STATE OF NEVADA,  
THIRTY-FIRST SESSION

*In the Matter of the Proceedings for the Removal of Clarence J. McFadden, as Judge of the Ninth Judicial District Court of the State of Nevada, in and for the County of White Pine.*

ANSWER OF CLARENCE J. McFADDEN

I, Clarence J. McFadden, answer the complaint heretofore made against me and entered on the Journals of both houses of said Legislature, as follows:

I

Admit that I am now, and during all of the times alleged in said complaint have been, the duly elected, qualified and acting Judge of the Ninth Judicial District Court of the State of Nevada, within and for the county of White Pine.

II

Deny that as such Judge, in contravention of the true intent, spirit or purpose of the Constitution of the State of Nevada, or of its statutes enacted pursuant thereto, or contrary to the peace and dignity of the people of the State of Nevada, or to the due or other administration of justice, I have wrongfully or wilfully, or otherwise, committed divers or sundry acts constituting reasonable cause or reasonable causes in each or any of the respects alleged in said complaint for my removal from office as such Judge.

COUNT I

Answering Count I of said complaint, I deny each and every allegation in said count contained, except as hereinafter set forth.

In this count I am charged with wilfully and knowingly and with the intent and purpose of obtaining my salary from the State of Nevada, making and filing numerous false affidavits concerning cases, motions and other matters which have been submitted to me for decision and concerning the length of time such matters have been submitted to me and remained undecided. In support of this charge, four cases are specified, viz:



Kate I. Nixon, et al., v. Trustees of Winnemucca ;  
Studebaker Bros. Co. of Utah v. A. B. Witcher, A. Jurich, et al. ;  
Schute v. Big Meadows Investment Company ;  
State of Nevada ex rel. Fowler v. Hugh Wilson, et al.

The respective dates of the submission and decision of the first three of these cases are correctly set forth in the complaint. The case of the State of Nevada ex rel. v. Hugh Wilson, et al., has never been submitted to me for decision. The demurrer in that case was argued on June 12, 1922, but in the course of the argument Mr. J. M. Lockhart, attorney for the defendants, requested that the demurrer be not submitted for decision until after the Supreme Court of the State should have decided the Mary Pickford case and until Mr. Lockhart should have an opportunity to present that decision to the Court. I acceded to that request, and accordingly no order of submission was made.

In November, 1922, after the Supreme Court had decided the Mary Pickford case, I concluded that some of the questions involved had not been sufficiently argued before me, and I therefore called the attorneys before me and requested that they prepare and present briefs on those questions. Their briefs have not yet been filed and the case has never, at any time, been submitted for my decision.

The cases of Kate I. Nixon v. Trustees of Winnemucca and Schute v. Big Meadows Investment Company arose and were pending in Humboldt County in the Sixth Judicial District. The statute requiring a Judge to make affidavits concerning cases pending before him before drawing his salary does not apply to, nor require a list of, cases arising outside of his own district.

The case of Studebaker Bros. Co. of Utah v. A. B. Witcher, A. Jurich, et al., arose and was submitted to me in my district. It was an action to recover an automobile belonging to the Studebaker Bros. Company of Utah, which had been taken out of the garage in Ely by defendant Jurich, after he and the defendant Witcher had cut the chain with which it was locked. The case was submitted to me on briefs. It was very elaborately argued and briefed and presented several close questions of law, and numerous decisions were cited on both sides. Messrs. Chandler and Quayle of Ely were attorneys for plaintiff, and Mr. G. F. Boreman and Anthony Jurich of Ely were attorneys for defendants. After submission of the case I was especially requested by Mr. Boreman in my chambers to go into the case very carefully as he stated that the points raised by him were sound and should have careful consideration and investigation. The case was, therefore, one which required long and painstaking investigation before a decision could be rendered.

It is true that this case was under submission from March 16, 1918, to November 30, 1918, but during all that period most of my time was occupied with war work. I was chairman of the legal advisory board of White Pine County and was a four-minute man, and as such had many speaking engagements. It was generally agreed among Judges and attorneys at the time, and especially in White Pine County, that the winning of the war was to be the first consideration and that the dispatch of ordinary legal business was to be regarded as secondary. My duties in connection with war work kept me busy most of the time and in fact required a great deal of night work. It was chiefly this, together with other business in my court, which prevented me from finding the time to give the necessary consideration to the Studebaker case. Under the extraordinary circumstances stated, it was my view that it would not be the desire of the people of my county, or of the State, that I be deprived of my salary because of my war activities. I consequently filed affidavits and drew my salary each month, but in each of the affidavits made for the purpose I listed the Studebaker case as well as the Nixon and Schute cases as among the undecided cases that had been submitted to me for decision. It is true that each of the affidavits contained the language quoted in Count I of the complaint, to wit: "That no cases have been submitted to me as acting Judge of the Ninth Judicial District Court of the State of Nevada which have remained undecided"; but this language constitutes only one paragraph of the affidavits. Immediately following this paragraph each of the affidavits contains language substantially as follows: "Cases pending in the Ninth Judicial District Court in and for White Pine County"; and each of said affidavits



thereupon set out a list of cases which had been submitted to me for decision with notations showing that they had been so submitted, and in this list in each affidavit made after their respective submissions were included the Studebaker case, the Schute case, and the Nixon case. The following is a copy of the affidavit made on August 31, 1918, which is illustrative of the form of the affidavits made during the period involved, all of said affidavits being in substantially the same form:

"State of Nevada, County of White Pine—ss.

C. J. McFadden, being first duly sworn, on oath deposes and says: That he is the duly elected, qualified and acting judge of the Ninth Judicial District Court of the State of Nevada, in and for the county of White Pine, and makes this affidavit in compliance with an Act of the Legislature of the State of Nevada, entitled "An Act in relation to courts of record to prevent unnecessary delays in rendering decisions, etc.," approved March 24, 1913.

Deponent says that no cases have been submitted to him as acting District Judge of the Ninth Judicial District Court of the State of Nevada which have remained undecided.

Cases pending in the Ninth Judicial District Court in and for White Pine County:

Studebaker Bros. Co., Plaintiff, v. A. B. Witcher, Defendants. Under advisement on briefs.

Schute, Plaintiff, v. Big Meadows Investment Co., Defendant. Demurrer; submitted and under advisement.

C. C. Jones, Plaintiff, v. William Bray and Nita Bray, Defendants. Submitted for decision.

Arle Vanderhorst, Plaintiff, v. Elizabeth Vanderhorst, Defendant. Notice of motion for attorney's fees and transportation from Kalamazoo, Mich., to Reno, Nevada. Submitted. Under advisement.

Daisy Clark, Plaintiff, v. W. T. Clark, Defendant. Motion to strike certain paragraphs from plaintiff's complaint. Submitted and under advisement.

Kate I. Nixon and Bertram Nixon, Plaintiffs, v. Trustees of the Town of Winnemucca, Defendants. Submitted for decision.

C. J. McFADDEN.

Subscribed and sworn to before me this 31st day of August, 1918.

[SEAL]

F. D. OLDFIELD,

*County Clerk in and for White Pine County, State of Nevada.*

Duplicate of the foregoing filed in the office of the County Clerk of the county of White Pine, State of Nevada, this 31st day of August, 1918.

[SEAL]

F. D. OLDFIELD,

*County Clerk in and for White Pine County, State of Nevada.*

#### COUNT II

Answering Count II of said complaint, I deny each and every allegation therein contained, except as hereinabove set forth in my answer to Count I of said complaint.

#### COUNT III

Answering Count III of said complaint, which has to do with the alleged submission to me of the case of the State of Nevada ex rel. Fowler v. Hugh Wilson, et al., I deny each and every allegation in said Count III contained.

#### COUNT IV

Answering Count IV of said complaint, I deny each and every allegation therein contained, except as hereinafter stated.

(a) It is true that I have not required the statutory examinations to be given to those acting as court reporters in the Ninth Judicial District Court. The position of Court Reporter in the Ninth Judicial District is not a lucrative one, and it is very difficult to secure a competent and reliable reporter who is willing to act. To induce competent and reliable reporters to take the position it has been necessary to have them appointed also as Deputy Clerks in order that their income as reporters may be augmented by their salaries as Deputy Clerks. Even then I have had considerable trouble and spent considerable time in efforts to secure competent and reliable reporters. When, under these circumstances, I have succeeded in securing such a reporter, I have regarded

it as a useless ceremony to require the examination. There has been no complaint made concerning the work of any reporter appointed by me, and it is not now charged that any of the persons named in the complaint herein were incompetent or that the public service has suffered by reason of the appointment of any of them.

(b) The facts concerning the enrollment of W. H. Venable as an attorney in the Ninth Judicial District are as follows:

Mr. Venable is a prominent lawyer of Norfolk, Va., who has recently made certain investments in mining properties in White Pine County, Nevada, and during the past year has spent considerable time there. He is not and has not been engaged in the practice of law in Nevada, and, so far as I am advised, does not intend to so engage. His enrollment as an attorney in my court was intended on my part as a mere act of courtesy to a prominent member of the bar of a sister State. I did not undertake to admit him to practice law generally in the State of Nevada.

#### COUNT V

Answering Count V, which charges me with certain discourteous and oppressive treatment toward members of the bar and litigants, I deny each and every allegation in said count contained, except as hereinafter set forth.

It is true that during the hearing of the case of Cachas v. Joudas (which case is erroneously referred to in the complaint as *Changes v. Joudas*) Mr. B. L. Quayle, one of the attorneys for the plaintiff, left the courtroom during the hearing, but he was not insulted by me and before leaving the courtroom asked and received permission to do so, stating that he was required to attend a meeting of the County Board of Education of which he was a member, and which was then about to convene, and I did not at any time afterwards apologize to him. It is also true that, after Mr. Quayle had left the courtroom, Mr. Eddy, the opposing attorney, attempted to further argue the case and that I stopped him and asked him to take his seat, but I did not intend to be insulting or discourteous to him, but merely thought that it was improper to continue the argument in Mr. Quayle's absence, and I did not go to Mr. Eddy's office the next, or any, day and use to him in substance the language contained in the complaint, or any language of similar character.

#### COUNT VI

Answering Count VI of said complaint, which charges me with habits, conduct, example and acts not in keeping with the dignity of my official position, I deny each and every allegation in said count contained, except as hereinafter set forth.

At rare and infrequent intervals I have visited places in Ely where it has been alleged that intoxicating liquor was sold in violation of the Prohibition Act and of the Volstead Act, and did so on several occasions during the recent campaign in an effort to offset the political influence Mr. Jurich was using against me with the proprietors and habitués of such places. On a very few occasions I have drunk intoxicating liquor on such premises.

It is true that on a certain occasion I had a discussion concerning whether or not President Harding has negro blood. This was after I had read some newspaper articles and circulars by an Ohio professor who stated that he was engaged in preparing a book on the subject. I may have said that it was my belief that the Professor had proved his case, but I have no recollection of having used the language concerning President Harding which is set forth in subdivision (c) of Count VI.

Concerning the last charge in this count to the effect that on October 22, 1922, while under the influence of liquor I reviled and abused one Phil Aljets and threatened to strike him with a cane, this is not true as alleged. I did have a controversy with Mr. Aljets during the recent campaign. It had been told to me that Mr. Aljets was circulating some very false and injurious statements concerning me, and I met him on the street and took him to task about it. We had some words over it, but I was not intoxicated and did not threaten to strike Mr. Aljets with a cane, or otherwise threaten him with physical violence.

#### COUNT VII

Answering Count VII, which deals with the case of *The Wm. J. Burns Detective Agency, Inc., v. George Doyle, et al.*, and the circumstances surrounding and leading up to that litigation, I deny each and every allegation in said



Count VII contained, except as hereinafter set forth. The facts concerning this matter are as follows:

The grand jury impaneled in the spring of 1917 summoned me to appear before them and stated to me that they had under investigation certain charges to the effect that Anthony Jurich while District Attorney of White Pine County had followed the practice of having certain foreigners arrested and then sending to those under arrest one Mike Bosta with the statement that, for a certain sum of money, he could secure their release, and that after the receipt by Bosta of the money they were actually released without any criminal charge having been brought against them. The grand jurors seemed to be of the opinion that this practice had been followed, but stated that they were unable to secure sufficient evidence of it through the local officers, and asked me if they might employ detectives for the purpose of securing such evidence, stating that it would probably cost from \$700 to \$800. I told them that I thought they might and that I believed I had authority to order the County Treasurer to pay the expense, and would do so. The jury thereafter, as I am informed, employed the Burns Detective Agency, which did furnish them with evidence from which they found an indictment against Mike Bosta and also against one McCart. I was subsequently informed that they did not find an indictment against Mr. Jurich, for the reason that they believed that his case might be better dealt with by the State Bar Association. Mike Bosta was tried on the indictment against him, but the trial jury disagreed.

I was afterwards informed that, when the committee of the grand jury appointed for that purpose came to negotiate with the Burns Detective Agency for their services in the matter, the Burns Detective Agency declined to proceed unless the three members of that committee would sign a personal guarantee to the effect that the Burns Detective Agency's bill for the services to be rendered should be paid. Without my knowledge, the three members of the grand jury did sign such a guarantee. This is the alleged "illegal and unconscionable contract" referred to in Count VII of the complaint. I admit that the Burns Detective Agency did render the services substantially as alleged in this count of the complaint and rendered a bill to the grand jury in substantially the amount stated in this count of the complaint. After this bill was rendered I made an order on the County Treasurer for its payment to the extent of \$2,100, in the belief that I had the power to do so. Unfortunately the order was drawn on the County Treasurer instead of on the County Auditor, as provided for by the statute (Revised Laws 1912, sec. 1583). The County Treasurer declined to honor the order on the advice, as I am informed, of Mr. G. F. Boreman, an attorney of Ely. Subsequently the claim was presented to the Board of County Commissioners of White Pine County. I informed the members of that Board that I thought the bill should be paid. Mr. Jurich, however, filed written objections with the board against the payment, so that the Commissioners were compelled by the terms of the statute to decline to approve the bill. (Revised Laws of 1912, sec. 1521.)

Thereafter the Burns Detective Agency abandoned its efforts to collect the money from the county and brought suit against the three members of the grand jury who had individually guaranteed the payment of the bill. This case was heard in the District Court by Judge Taber of Elko County, who sustained a demurrer to the complaint on the ground that a contract whereby members of the grand jury make themselves individually liable for the expense of investigating a crime is against public policy, because of its tendency to take away the impartiality required of grand jurors. This decision was affirmed on appeal to the Supreme Court (See 46 Nev. 91). I had nothing to do with this phase of the case, my connection with the matter being confined to advising members of the grand jury of my judgment that with the concurrence of the District Judge they had the power to employ detectives for the purpose specified, and that I, as Judge, had the power to order the payment of the bill. The District Attorney, Mr. George A. Whiteley, and the Attorney-General of the State concurred at the time with the view that I had this power. My power to make this order was in no way involved in the case which went to the Supreme Court and was not passed upon by the Court. It was not even shown in that case that I had approved the employment of detectives or had made an order for their payment. The question of my power in this connection, as applied to expenses of the grand jury in investigating a particular



charge, is left open by the concluding paragraph of the opinion of the Supreme Court of this State in the case of *Stone v. Bell*, 35 Nev. 240, 247. The question still remains an open one, except as it may be indirectly affected by the concurring opinion of Chief Justice Sanders in the Burns Detective Agency case above mentioned.

I felt, throughout this matter, in the first instance that the public interest required that the question which was under consideration should be investigated, and, after the investigation had been made in good faith by the Burns Detective Agency, I thought they were entitled to their money and was consequently desirous of seeing them paid. I thought the money should be paid by the county and that the expense should not be thrown on individual members of the grand jury.

It is true that, after having made the order on the County Treasurer, I asked the County Clerk to issue a writ of execution on the order. I believed at that time (although I now see that I was mistaken) that a writ of execution would properly issue on such an order, and I accordingly prepared and signed such a writ and presented it to the Clerk.

It is not true that the Clerk refused to issue it, and it is not true that I thereupon entered the vault of the Clerk's office and seized the seal of the court or impressed it upon the writ. The Clerk himself, at my request, impressed the seal upon the writ. I did not personally present the writ to the Sheriff, or demand that he pay the sum of \$2,100 specified therein to me out of the public moneys belonging to said county in his hands, but I did give the writ to Mr. George Doyle, a member of said grand jury, and suggested that he present it to the Sheriff, which I am informed and believe he did. My actions in connection with this writ of execution were in the utmost good faith, but, as I have since become convinced, were based on a mistaken view of the law.

#### COUNT VIII

Answering Count VIII of said complaint, which charges me with having wilfully omitted and neglected to sign the court minutes, I deny each and every allegation in said Count VIII contained, except as hereinafter set forth.

I have never wilfully omitted or neglected to sign the minutes of the court, but have on nearly every occasion signed the minutes whenever they were presented to me for signature or whenever I have been advised that they were ready for signature. There have probably been a few occasions when I did not sign them promptly, because of being otherwise occupied, but usually they have been promptly signed when ready. My denial that the minutes were not signed from May 1, 1922, to January 9, 1923, is made according to the best of my information and belief. I recall only one occasion on which more than one request was made to me to sign the minutes of the court. At that time I was informed by the Clerk of the Court that Mr. G. F. Boreman, an attorney of Ely, desired a certified copy of a certain naturalization proceeding and that those minutes were ready for signature. I was busy at the time the Clerk called my attention to the matter, and I told him that I would call at the Clerk's office later and sign the minutes. I inadvertently overlooked doing so for a few days, when the Clerk again called my attention to the matter, and I thereupon went to the Clerk's office and signed all of the minutes that were then ready to be signed.

#### COUNT IX

Answering Count IX of the said complaint, which concerns the report of the White Pine County grand jury made in the month of February, 1921, charging the members of the Board of County Commissioners of White Pine County with certain derelictions in office, I deny each and every allegation in said count contained, except as hereinafter set forth.

This report of the grand jury made rather serious charges against the three members of the Board of County Commissioners in relation to their action in connection with the construction of an addition to the county hospital, but the grand jury did not return an indictment against any of those so charged. The report went into considerable detail and appeared on its face to be the result of careful consideration and investigation. The report was read to me before it was filed by one of the members of the grand jury, but it is not true that I approved it. I believed that the matters contained in the report of the grand

jury were for the exclusive consideration of that body and that I had no right to interfere therewith. I believed it my duty to receive the report, which I accordingly did. Subsequently Mr. Anthony Jurich, as attorney for the members of the Board of County Commissioners, caused to be published in a local newspaper a scathing arraignment of the members of the grand jury in which he impugned their motives in making the report. Thereafter, at the request of the three County Commissioners, I recalled the grand jury and resubmitted the matter to them, and instructed them in substance that, if they knew of any evidence which would tend to vindicate those who had been criticized in the report, it was their duty to receive it and consider the matter further. As a result of their further consideration, however, the jury made no change in their report.

Mr. Jurich afterwards made a motion before me, in which he requested that I make an order expunging the report of the grand jury from the records of the court. As a result of the argument of this motion, I was convinced that the report of the grand jury constituted a presentment against the members of the Board of County Commissioners, and I accordingly denied the motion. Mr. Jurich then sought a writ of mandamus from the Supreme Court of the State to compel me to expunge the report from the court records. The matter was presented to and argued before the Supreme Court and the writ of mandamus was denied. *State ex rel. Weber v. McFadden*, 46 Nev. 1.

When the report of the grand jury was first read to me, I, of course, knew nothing about the accuracy of the figures set forth in the report. I believe that the County Auditor afterwards spoke to me about some inaccuracy in the figures, but when I recalled the grand jury I gave it ample opportunity to reconsider the whole subject and make any corrections which the members thought proper. It was and is my view that any further action than I took at the time would have been an invasion by me of the province of the grand jury.

#### COUNT X

Answering Count X of said complaint, which makes certain further charges in connection with the case of *State ex rel. Fowler v. Hugh Wilson, et al.*, and more especially charges that my actions in connection with that case were influenced by motives of personal friendship and political motives, I deny each and every allegation in said count contained, except as hereafter set forth, and except as above set forth in my answer to Count I and Counts II and III of said complaint.

I am not now and never have been, a close personal friend of Hugh Wilson. I know Wilson just as I know hundreds of other people who reside in White Pine County. There never have been any business or professional relationships between us, nor has he ever acted as my political adviser. I have never sustained with him any close relations of any kind or character, either in a personal, business, or professional capacity. I believe it is the fact that he is the proprietor of or has an interest in some houses of prostitution in the redlight district of Ely.

I have known James McDonough for a number of years and at one time several years ago we were rather friendly, but in the past few years neither our association nor our friendship has been close, and he has not been my political adviser. I have no personal knowledge as to whether he is the proprietor of any house used for prostitution in the Ely redlight district. I have been informed that he does own or has an interest in a house and lot in said district which is under lease to others and for which he merely collects rent. It is true that I was a candidate for reelection at the general election on November 7, 1922, but if either Mr. Wilson or Mr. McDonough supported me in that election, they did so of their own volition. I emphatically deny that any act of mine in the case mentioned, or in any other case, was in any wise influenced by any friendship, association, or obligation of mine in the case mentioned, or in any other case, was in any wise influenced by any friendship, association, or obligation of mine of any nature whatsoever, either to Hugh Wilson, James McDonough, or to any one else. I admit that the suit mentioned in said Count X was commenced in my court and is now pending before me and that the term of office of Mr. Fowler as Attorney-General has now expired, but I have not been advised and do not know whether the present Attorney-General declines to continue the prosecution of the suit or declines to reappoint Mr. G. F. Boreman as his deputy for its further prosecution.



## COUNT XI

Answering Count XI, which charges me with having interfered with the administration of justice and the execution of the law, and through motives of personal friendship having attempted to interfere with officers of the law, and in particular having requested the Sheriff to release certain gambling articles which he had seized in a place in which one Vito La Conte was interested, I deny each and every allegation in said count contained.

## COUNT XII

Answering Count XII of said complaint, concerning the alleged statement of counsel in the case of State v. Dawn Margaret Williams, and the alleged attempted assault on G. F. Boreman, I deny each and every allegation in said count contained, except as hereinafter stated.

(a) It is true that in the case of State of Nevada v. Dawn Margaret Williams, the defendant was being tried for murder on February 16, 1923, and for several days prior thereto, and that the trial was attended by a large number of spectators, and that I, as Judge, occupied the bench and presided at the trial of said cause. During the trial of the case there was considerable evidence to the effect that the person, on account of whose death the charge of murder was based, had on a number of occasions abused and maltreated the defendant, Dawn Margaret Williams. Both Mrs. Frank Buster and the defendant testified to such abuse and maltreatment. Mrs. Buster testified that on one occasion she heard the defendant say, referring to the deceased, "I will kill the dirty son of a bitch one of these days. I will not put up with it." During the course of her testimony the defendant, Mrs. Williams, testified, concerning the deceased, as follows:

"Q. When was it that you said some day you would kill the dirty son of a bitch? When was that?"

"A. That was when Mrs. Buster was talking and asked me why didn't he go to work, and I said 'Why, did you ever see him go to work?' and she said 'No'; and she said 'It's pretty near time to beat upon you again,' and I said if he ever beat up on me again like he did, I would kill the dirty son of a bitch."

In his argument to the jury, the District Attorney made a pathetic plea to the jury, in the course of which he pointed dramatically to the cemetery in Ely and stated in substance—referring to the deceased—"Now he lies out there stiff and cold and the January winds are blowing over him." The attorney for the defendant is a young man, and had appeared before a jury on very few occasions, and this was his first murder case. In replying to the argument of the District Attorney before the jury, he dwelt on the testimony showing the character of the deceased and his abuse and maltreatment of the defendant, and commented on or quoted the testimony referred to above, and pointing out to the cemetery said in substance—"Now let the son of a bitch lie there." It was an apparent attempt on his part to overcome, by reference to the language of the testimony, the effect of the District Attorney's reference to the cemetery. No objection was made by the District Attorney to the language so used. I had to think quickly on the matter, and concluded in view of the attorney's inexperience and the adverse effect that it might have on his case that, in the absence of objection from the District Attorney, I would not reprimand him, and accordingly I did not do so.

(b) Concerning the alleged assault on Mr. G. F. Boreman: I had an altercation on a side-street in Ely with Mr. Boreman on or about the 13th day of February, 1922, but I was not semi, or otherwise, intoxicated, and I did not attempt to assault him with a cane, but I did use some strong language. This did not take place in the presence of many spectators. I recall having seen only one individual at the time, besides myself and Mr. Boreman. I had become very much incensed at Mr. Boreman, for the reason that I had become convinced that Mr. Boreman, for some considerable time past, had been hounding and persecuting me in a manner to which I will later refer in the further defense hereinafter set forth.

Answering the concluding paragraph of said complaint, I deny that by reason of the, or any, premises, or of the facts or things in said complaint alleged, I, as such Judge, or otherwise, wrongfully or wilfully, have contra-



vened the true, or any, intent, spirit or purpose of the Constitution of the State of Nevada, or of its statutes enacted pursuant thereto, or have failed or neglected to administer due justice, or have caused my integrity to be questioned or the integrity of the Ninth Judicial District Court of the State of Nevada to be impugned to the lasting, or any, detriment or shame of the people of the State of Nevada, or otherwise; and deny that in consequence of said, or any, promise, or the facts or matters in said complaint alleged, the honorable the Legislature of the State of Nevada, pursuant to section 3 of article VII of the Constitution of the State of Nevada, or otherwise, has the inherent power to or should remove me from said office as Judge of the Ninth Judicial District Court of the State of Nevada.

And further answering, I state:

That one Anthony Jurich, G. F. Boreman, and C. A. Eddy of Ely, White Pine County, Nevada, pursuant to and in furtherance of a wilful, premeditated, and malicious scheme, plan and conspiracy to ruin my reputation, reflect upon my honor, besmirch my character and cast idiom upon my official acts as District Judge of White Pine County, deliberately began, some years last past, to circulate and cause to be circulated, slanderous and baseless rumors and reports of and concerning me and of my official acts; and for the purpose of ousting me from the judgeship and capturing it for one of themselves, and for the advancement of their own personal, selfish, and political aims and ambitions. That the overt acts in furtherance of this conspiracy, to which reference will be hereafter made, were not only performed in White Pine County, but were carried out at the State Capitol and within the present Legislature of the State of Nevada. That the said Jurich, as an Assemblyman from said county in said Legislature, pursuant to said plan and plot and conspiracy, and through the medium of his said office, deliberately and maliciously preferred and caused to be preferred, not only the charges alleged in the complaint herein, but certain other charges to which he gave and caused to be given wide publicity through the press and otherwise, which he publicly proclaimed upon the floor of the Assembly, which he then and there knew to be false, which are not included in the counts in the complaint on file, and which were wilfully and maliciously made by him to excite public prejudice against me, arouse legislative feeling, and so stimulate resentful sentiment as to utterly ruin me in my reputation as a citizen and as a judicial officer of this State. That, for the purpose of giving the impression that I had deliberately taken money from the State which did not belong to me, the said Jurich publicly charged me with having wrongfully collected expense money for an alleged trip to Pioche, then and there knowing full well that the accusation was false and eventually being forced to abandon the charge in the face of convincing proof that it could not be substantiated.

That, with the deliberate purpose of concealing the truth and of only bringing half-truths in the charges he so publicly preferred, the said Jurich under "Specification F" of his filed accusation, charges me with certain activities with reference to a certain grand jury convened in my district, to which answer has hereinabove been made; but the said Jurich has maliciously, unjustly, cunningly, studiously, and deliberately refrained, among other things, from setting out in said charge that he himself was under investigation by said grand jury; that complaints of a most grave and serious character were charged against him; that as District Attorney he was under investigation for confederating with others to arrange with defendants, whom it was his duty to prosecute, that if these defendants would pay Jurich's confederates a certain amount of money, a part of which was to be handed over to Jurich, he, Jurich, would see to it that they would not be further prosecuted; that Jurich's alleged prostitution of his office and the public trust reposed in him became a public scandal and resulted in the grand jury investigation; that Jurich's confederates and accomplices in this alleged nefarious scheme were actually indicted for their criminal participation in it and that the grand jury, believing that the State Bar Association should deal properly with Jurich, turned the evidence over to it that it might take appropriate action.

That the said Jurich, in a sordid spirit of revenge, because said grand jury convened within my immediate jurisdiction and investigated his official con-

duct, and because of my active efforts in other directions to see that the law was enforced, as will hereafter appear, has stopped at nothing in his malicious attempts to ruin me.

During the year 1920, the said Jurich was a deputy attorney in the United States Department of Justice. That, notwithstanding it was his duty to aid in the enforcement of the federal laws, and among them the federal prohibition laws, he acted, during the month of July, 1920, as attorney for the defendants charged with violation of the State Prohibition Act in the cases of The State v. Ethel Kraft, The State v. Harvey Lambert, and The State v. Charles Thomas. I called the attention of the Department of Justice to Jurich's pretensions that he had influence with the department in prosecutions affecting the liquor traffic and requesting to know whether it was proper for him to be a prosecutor for the Government and at the same time represent defendants charged with violating both the state and federal prohibition laws. Jurich thereafter promptly resigned.

In the year 1918, I was a candidate for District Judge and the said Anthony Jurich was a candidate against me. In his efforts to get votes, he persisted in circulating unfounded rumors about me, made attacks upon my character, cunningly passed around reports reflecting upon my honor and my manhood, and aroused me to continued, emphatic, and persistent denials. I defeated him. In 1922 I was a candidate for the same office against C. A. Eddy, brother-in-law of Jurich. G. F. Boreman, together with Eddy, was a candidate against me in the primaries. Again I was confronted with the same kind and character of opposition on the part of Jurich, Boreman, and Eddy. They so persisted in circulating scurrilous and scandalous remarks about me that I was aroused to the utmost indignation in proclaiming the truth and defending myself against their vicious attacks. I was elected by a majority of five hundred and eighty-four votes. The character of stories given current report against me were of such a vile and vituperative nature as to almost preclude repetition in an official record. I was falsely charged by Boreman with having had an interest in a negro house of ill-fame and of sponsoring its business, and was forced to meet these attacks with the most vigorous denials of which I was capable. I am reliably informed that in furtherance of his determined effort to revengefully rise over me and to carry out the conspiracy against me, Boreman came to Carson City two years ago and investigated the files of the Controller's office with a view of finding something on which to base preferred charges against me before the last Legislature, but the proceeding was never instituted.

Because of the zeal of those who are trying to ruin me, they have evaded the truth, dishonorably magnified charges against me, and have deliberately circulated reports against me and created impressions unjustified in the light of a fair and impartial investigation.

Respectfully submitted,

CHAS. S. CHANDLER,  
B. L. QUAYLE,  
SAMUEL PLATT, *His Attorneys.*

CLARENCE J. McFADDEN,

Copy of above and foregoing answer admitted as having been received March 10, 1923.

M. A. DISKIN, *Attorney-General.*

Filed with Joint Senate and Assembly Session, Monday, March 12, 1923.

J. H. CAUSTEN, *Clerk.*

George Phillip Annand was called and sworn as a witness for the State.

Direct examination by Mr. Diskin.

Mr. Lockhart moved that the Joint Session recess until 1:30 p. m.

Carried.

Recessed at 12:03 p. m.



### IN JOINT SESSION

At 1:30 p. m.

Roll-call of Senate showed all Senators present except Senator Scott, who was excused.

Quorum of Senate present.

Roll-call of Assembly showed all Assemblymen present except Messrs. Henderson and Martin, who were excused.

Quorum of Assembly present.

Examination of George Phillip Annand by the State continued.

Cross-examination by Mr. Platt.

D. C. McDonald was called and sworn as a witness for the State.

Direct examination by Mr. Diskin.

Cross-examination by Mr. Platt.

Clarence A. Eddy was called and sworn as a witness for the State.

Direct examination by Mr. Diskin.

Cross-examination by Mr. Platt.

The President announced that the Joint Session would take a recess subject to the call of the Chair.

### IN JOINT SESSION

At 2:45 p. m.

Thomas A. Brandon was called and sworn as a witness for the State.

Redirect examination by Mr. Diskin.

Cross-examination by Mr. Platt.

Redirect examination by Mr. Diskin.

Recross-examination by Mr. Platt.

W. S. Enslow was called and sworn as a witness for the State.

Direct examination by Mr. Diskin.

Mr. Platt announced he did not care to cross-examine the witness.

Harvey E. Woodward was called and sworn as a witness for the State.

Direct examination by Mr. Diskin.

Cross-examination by Mr. Platt.

Willis E. Meyers was called and sworn as a witness for the State.

Direct examination by Mr. Diskin.

Cross-examination by Mr. Platt.

Phillip Aljets was called and sworn as a witness for the State.

Direct examination by Mr. Diskin.

Cross-examination by Mr. Platt.

On motion of Senator Fitzgerald, duly seconded and carried, the Joint Session adjourned until 10 a. m., Tuesday, March 13, 1923.

Recessed at 3:30 p. m.

### HOUSE IN SESSION

At 3:30 p. m.

Mr. Speaker in the chair.

Roll called.

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough,



Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—35.

Absent (excused)—Henderson and Martin—2.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Mineral County Delegation has had Senate Bill No. 58 under consideration, and begs leave to report a substitute for same, with the recommendation that the substitute be adopted.

RITA D. MILLAR, *Chairman.*

On motion of Mrs. Millar, duly seconded and carried, Substitute for Senate Bill No. 58, as offered by the Mineral County Delegation was adopted.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Joint Resolution No. 14, which passed the Senate, as amended—Yeas, 14; nays, 3.

Also, Assembly Bill No. 199, which passed, as amended—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 163, which passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 164, which passed—Yeas, 15; nays, none; absent, 1; not voting, 1.

Also, to present for your consideration Senate Bill No. 148, which passed, as amended—Yeas, 11; nays, 5; absent, 1.

Also, Senate Substitute for Senate Joint Resolution No. 9 and Assembly Joint Resolution No. 4, which passed—Yeas, 13; nays, 3; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Marsh, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Joint Resolution No. 14.

On motion of Mr. Peterson, duly seconded and carried, the Assembly concurred in the amendments offered by the Senate to Assembly Bill No. 199.

#### INTRODUCTION AND FIRST READING

Senate Bill No. 130—An Act to fix the salary of the President of the University of Nevada, and matters relating thereto.

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

Senate Bill No. 40—An Act to amend an Act entitled "An Act amending an Act entitled an Act regulating the nomination of candidates for public office in the State of Nevada," approved March 23, 1917, and set forth in volume 3, Revised Laws of Nevada, 1919, at pages 2713 to 2723, and as further amended and approved March 28, 1921; and repealing all Acts and parts of Acts in conflict with this Act.

On motion of Mr. Whitesides, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

Senate Bill No. 152—An Act authorizing the Nevada Industrial Commission to invest funds in an office building in the city of Carson, State of Nevada, authorizing said commission to occupy a part or

portion of said building, designating a fund in which is to be placed the income therefrom, and other matters in connection therewith.

On motion of Mr. Jurich, 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. 148—An Act designating a primary route of a highway through the State of Nevada, and repealing all Acts in conflict therewith.

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

Senate Substitute for Senate Joint Resolution No. 9 and Assembly Joint Resolution No. 4.

On motion of Mr. Whitesides, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Elections.

#### GENERAL FILE AND THIRD READING

On motion of Mr. Geraghty, duly seconded and carried, Assembly bills were placed at the top of the file.

On motion of Mr. Whiteley, duly seconded and carried, Senate Substitute for Senate Bills Nos. 29, 39 and Assembly Bill No. 4 was placed at the top of the file.

Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4.

The following amendments were offered by the Committee on Judiciary: In line 31, page 2, strike the period after the word "year" and insert a semicolon and add the following: "*and provided further, that no such exemption shall be allowed any one the total value of whose property within the State exceeds four thousand dollars.*" On page 3, line 8, strike all of line 8 after the comma following the word "State." On page 3, line 9, strike out the words "hundred dollars per annum." Strike from the bill all of sections 3, 4, 5, and 7. On line 17, page 10, change the numeral 6 to 3. On page 12, line 16, change the numeral 8 to 4.

On motion of Mr. Marsh, duly seconded and carried, the amendments offered by the Committee on Judiciary were adopted.

Remarks by Mr. Marsh.

Roll-call on Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Hayes, Hays, Henrichs, Houlahan, James, Jurich, Kennedy, Long, Marsh, Meyers, Millar, Peterson, Robb, Stites, Swanson, Tandy, Towle, and Whiteley—22.

NAYS—Geraghty, Gosse, Hussman, Murphy, and Nelson—5.

Absent—Henderson and Martin—2.

Not voting—Keough, Laing, Marsh, Patterson, Whitesides, Whitmore, Yeager, and Mr. Speaker—8.

Mr. Speaker declared that Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4, having received a constitutional majority, was passed.



## Assembly Joint Resolution No. 15.

Remarks by Mr. Swanson.

Roll-call on Assembly Joint Resolution No. 15:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Joint Resolution No. 15, having received a constitutional majority, was passed.

Assembly Joint Resolution No. 16, proposing to amend section 1 of article 15 of the Constitution of the State of Nevada:

*Resolved by the Assembly, the Senate concurring.* That section 1 of article 15 of the Constitution of the State of Nevada be amended to read as follows:

SECTION 1. That the seat of government of the State of Nevada shall be at Reno, Nevada.

On motion of Mr. Whitmore, duly seconded and carried, Assembly Joint Resolution No. 16 was indefinitely postponed.

## Assembly Bill No. 130.

The following amendments were offered by the Committee on Education: In section 4, line 12, page 1, insert the words "a major part of" after "received." In section 4, line 1, page 2, change "upon" to "of." In section 4, line 2, page 2, strike out "no" and lines 3, 4, and 5. Add a new section thereto to be known as section 7, which said section shall be as follows: "SEC. 7. For the purpose of carrying out the provisions of this Act, the sum of two thousand dollars (\$2,000) is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to be placed to the credit of the fund herein created, as a temporary loan. Such sum shall be repaid to the state treasury by applying all of the income derived through the operation of this Act to the credit of said loan until the same shall have been fully repaid."

On motion of Mrs. Hays, duly seconded and carried, the amendments were adopted.

Remarks by Mrs. Hays.

Roll-call on Assembly Bill No. 130, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 130, having received a constitutional majority, was passed.

## Assembly Bill No. 175.

On motion of Mr. Houlahan, duly seconded and carried, Assembly Bill No. 175 was indefinitely postponed.

Mr. Garaventa gave notice that on the next legislative day he would move for a reconsideration of the vote on Substitute for Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4.

Assembly Bill No. 203.

The following amendment was offered by the Committee on Fish and Game: In section 1 strike out all that part of the section beginning with the word "of" in line 10, page 1, and ending with the word "warrant" in line 7, page 2, and insert in lieu thereof the following: "thereof."

On motion of Mr. Swanson, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Swanson.

Roll-call on Assembly Bill No. 203:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Laing and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 203, having received a constitutional majority, was passed.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Mineral County Delegation has had Assembly Substitute for Senate Bill No. 58 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

RITA D. MILLAR, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Assembly Substitute for Assembly Bill No. 118 under consideration, and begs leave to report the same without recommendation.

MARTIN P. GERAGHTY, *Chairman.*

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 209.

The following amendment, offered by Mr. Whiteley, was on his motion, duly seconded and carried, adopted: In section 2, page 2, line 5, insert the words "by the Clerk of the Board" between the words "filed" and "with."

Remarks by Mr. Whiteley.

Roll-call on Assembly Bill No. 209, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Laing and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 209, having received a constitutional majority, was passed.



Assembly Bill No. 217.

On motion of Mr. Whitesides, duly seconded and carried, Assembly Bill No. 217 was indefinitely postponed.

Assembly Bill No. 225.

Remarks by Mr. Long.

Roll-call on Assembly Bill No. 225:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Geraghty and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 225, having received a constitutional majority, was passed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 7:30 p. m.

### HOUSE IN SESSION

At 7:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Henrichs, James, and Martin.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 228 and 229 and Assembly Concurrent Resolution No. 13, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Military and Indian Affairs has had Assembly Bill No. 229 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the attached amendments.

HARRY SWANSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Assembly Bill No. 207 and Senate Bills Nos. 147 and 152 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

B. R. ADDENBROOKE, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 155, which passed the Senate—Yeas, 15; nays, none; absent, 2.

Also, Senate Bill No. 154, which passed, as amended—Yeas, 14; nays, none; absent, 3.

Also, to advise your honorable body that the Senate on March 10, 1923, adopted the reports of the Conference Committees on Senate Substitute for Senate Bill No. 20 and on Senate Substitute for Senate Bill No. (?).

Also, to advise you that the Senate, on March 10, 1923, concurred in the Assembly's amendments to Senate Bill No. 84.

Also, to present for your consideration Senate Substitute for Senate Bill No. 25, which passed—Yeas, 11; nays, 6.

Also, to return Assembly Bill No. 179, which passed—Yeas, 12; nays, 4; absent, 1.

Also, Assembly Bill No. 208, which passed—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### INTRODUCTION AND FIRST READING

Senate Bill No. 155—An Act to amend section 10 of "An Act providing for the adoption, recording, rerecording, transfer, and use of brands and marks on horses, mules, asses, cattle and hogs; defining the duties and powers of the State Board of Stock Commissioners in connection therewith; providing penalties for the violation thereof; and repealing certain Acts, and other matters properly relating thereto," approved February 19, 1923.

On motion of Mr. Love, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Live Stock.

Senate Substitute for Senate Bill No. 25—An Act to amend an Act entitled "An Act relating to the compensation of injured workmen in the industries of this State and the compensation to their dependents where such injuries result in death, creating an Industrial Insurance Commission; providing for the creation and disbursement of funds for the compensation and care of workmen injured in the course of employment, and defining and regulating the liability of employers to their employees; and repealing all Acts and parts of Acts in conflict with this Act," approved March 15, 1913, and all Acts and parts of Acts amendatory thereof or supplementary thereto.

On motion of Mr. Laing, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Labor.

Senate Bill No. 154—An Act to amend sections 8, 10, 11, 13, 18, and 21 of an Act entitled "An Act to provide a general highway law for the State of Nevada," approved March 23, 1917, and as amended 1919 and 1921.

On motion of Mr. Whiteley, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Irrigation.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 174.

On motion of Mr. Hayes, duly seconded and carried, Assembly Bill No. 174 was indefinitely postponed.

Assembly Bill No. 204.

On motion of Mr. Murphy, duly seconded and carried, Assembly Bill No. 204 was indefinitely postponed.

Assembly Bill No. 227.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 227 was indefinitely postponed.



Assembly Bill No. 192.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 192 was indefinitely postponed.

Assembly Substitute for Assembly Bill No. 118.

Remarks by Messrs. Long and Geraghty.

On motion of Mr. Hussman, duly seconded and carried, the bill was laid on the table.

Assembly Substitute for Senate Bill No. 58.

On motion of Mr. Jurich, duly seconded and carried, the bill was ordered printed.

Remarks by Messrs. Jurich, Long, Tandy, Peterson, and Mrs. Millar.

Senate Bill No. 108.

Remarks by Messrs. Jurich, Kennedy, and Keough.

The following amendment was offered by Mr. Jurich: Strike out section 2.

On motion of Mr. Jurich, duly seconded and carried, the amendment was adopted.

Roll-call on Senate Bill No. 108:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Hussman, Jurich, Kennedy, Keough, Laing, Love, Marsh, Meyers, Millar, Nelson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—26.

NAYS—Carpenter, Long, Murphy, and Whitmore—4.

Absent—Henderson, Henrichs, Houlahan, James, and Martin—5.

Not voting—Patterson and Mr. Speaker—2.

The following amendment, offered by Mr. Jurich to the title, was adopted: Amend title of Senate Bill No. 108 by striking out the same and inserting in lieu thereof the following: "An Act relating to the files, documents and records of the Nevada State Historical Society."

Senate Bill No. 108, having received a constitutional majority, was declared passed.

Senate Bill No. 114.

The following amendment was offered by Mr. Kennedy: In section 1 strike out the words "duly licensed"; and strike out sections 3, 4, 6 and 7.

On motion of Mr. Kennedy, duly seconded, the amendment was adopted.

Remarks by Messrs. Kennedy, Long, and Whiteley.

On motion of Mr. Jurich, duly seconded and carried, Senate Bill No. 114 was laid on the table.

Senate Bill No. 129.

The following amendment was offered by Mr. Long: Strike out sections 2 and 3.

Mr. Long moved, duly seconded, that the amendment be adopted.

Amendment lost.

The following amendment was offered by Mr. Geraghty: Strike out all of section 2.

Mr. Geraghty moved, duly seconded, that the amendment be adopted.

Amendment lost.

Mr. Jurich moved, duly seconded, that Senate Bill No. 129 be indefinitely postponed.

Motion lost.

The following amendment to Senate Bill No. 129 was offered by Committee on Judiciary:

In the title strike out the word "and" after the figures 54 and insert the words "and 102" after the figures 69 in the title.

Add a section, to be known as section 4, which shall read as follows:

SEC. 4. Section 102 of "An Act providing a general corporation law," approved March 16, 1903, and amendments thereto, is amended to read as follows:

Section 102. On filing any certificate or articles or other paper relative to corporations in the office of the Secretary of State, the following fees and taxes shall be paid to the Secretary of State for the use of the State: For certificate or articles of incorporation, twenty (20) cents for each one thousand dollars of capital stock authorized up to and including one million dollars; ten (10) cents for each one thousand dollars of capital stock authorized over one million dollars and up to and including five million dollars; and five (5) cents for each one thousand dollars of capital stock authorized over five million dollars, but in no case less than fifty (\$50) dollars; consolidation and merger of corporations, twenty (20) cents for each one thousand dollars capital authorized beyond the total authorized capital of the corporations merged or consolidated up to one million dollars; ten (10) cents for each one thousand dollars of capital of the corporations merged or consolidated over one million dollars and up to and including five million dollars; and five (5) cents for each one thousand dollars of capital of the corporations merged or consolidated over five million dollars, but in no case less than twenty (\$20) dollars; increase of capital stock the same fees as would be required upon original incorporation, but in no case less than twenty (\$20) dollars; extension or renewal of corporate existence of any corporation, one-half that required for the original certificate or articles of incorporation by this Act; dissolution of corporation, change of nature of business, amended articles or certificate of incorporation or organization (other than those authorizing increase of capital stock), decrease of capital stock, the increase or decrease of par value of or number of shares, twenty (\$20) dollars; for filing list of officers and directors or trustees and name of agent in charge of principal office, two (\$2) dollars; notice of removal of principal place of business, other than by amendment, two dollars (\$2); for comparing any document to be certified when copy thereof is furnished, if any corrections are required to be made therein before certifying thereto, forty (40) cents for each folio of one hundred words of said document so compared; for certifying to copy of articles of incorporation, where copy is furnished, ten (\$10) dollars; for certifying to copy of amendment to articles of incorporation, where copy is furnished, ten (\$10) dollars; for certifying to authorized printed copy of the general corporation law, as compiled by the Secretary of State, ten (\$10) dollars; for all certificates not hereby provided for, ten (\$10) dollars; *provided*, that



no fees shall be required to be paid by any religious or charitable society or educational association having no capital stock; *and provided further*, that foreign incorporations shall pay the same fees to the Secretary of State as are required to be paid by corporations organized under the laws of this State.

On motion of Mr. Whiteley, duly seconded and carried, the foregoing amendments were adopted.

Mr. Geraghty moved, duly seconded, that Senate Bill No. 129 be rereferred to Committee on Judiciary.

Motion lost.

Roll-call on Senate Bill No. 129:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Houlahan, Hussman, Kennedy, Keough, Love, Meyers, Millar, Murphy, Nelson, Patterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—24.

NAYS—Geraghty, Jurich, Long, Peterson, and Whitesides—5.

Absent—Henderson, James, and Martin—3.

Not voting—Heurichs, Laing, Marsh, Robb, and Mr. Speaker—5.

Senate Bill No. 129, having received a constitutional majority, was declared passed.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly adjourned until Tuesday, March 13, 1923, at 9:30 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), March 13, 1923.

Assembly called to order at 9:30 a. m.

Mr. Speaker in the chair.

Roll called.

All present, except Messrs. Henderson and Martin, who were excused.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk was authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Claims has had Senate Bills Nos. 134 and 149 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

J. D. YEAGER, *Chairman.*

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to report to your honorable body Assembly Bill No. 79, which passed the Senate—Yeas, 15; nays, none; absent, 1; not voting, 1.

Also, Assembly Bill No. 187, which passed—Yeas, 15; nays, none; absent, 1; not voting, 1.

Also, Assembly Bill No. 194, which passed—Yeas, 15; nays, 1; absent, 1.

Also, Assembly Bill No. 224, which passed—Yeas, 16; nays, none; absent, 1.

Also, to present for your consideration Senate Joint Resolution No. 13, which passed the Senate—Yeas, 11; nays, 5; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

### GENERAL FILE AND THIRD READING

Assembly Bill No. 207.

Remarks by Messrs. Addenbrooke and Stites.

Roll-call on Assembly Bill No. 207:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Jurich, Kennedy, Laing, Long, Love, Marsh, Nelson, Patterson, Peterson, Robb, Stites, Tandy, Towle, Whiteley, Whitesides, and Yeager—26.

NAYS—Hussman, Keough, and Murphy—3.

Absent—Henderson, James, Martin and Millar—4.

Not voting—Meyers, Swanson, Whitmore, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 207, having received a constitutional majority, was passed.

### INTRODUCTION AND FIRST READING

Senate Joint Resolution No. 13, relative to amending section 3 of article 11 of the Constitution of the State of Nevada:

*Resolved by the Senate, the Assembly concurring,* That section 3 of article 11 of the Constitution of the State of Nevada be amended so as to read as follows:



SECTION 3. All lands, including the sixteenth and thirty-sixth sections in any township donated for the benefit of public schools in the Act of the Thirty-eighth Congress to enable the people of Nevada Territory to form a state government, the thirty thousand acres of public lands granted by an Act of Congress approved July second, A. D. eighteen hundred and sixty-two for each Senator and Representative in Congress, and all proceeds of lands that have been or may hereafter be granted or appropriated by the United States to this State, and also the five hundred thousand acres of land granted to the new States under the Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. eighteen hundred and forty-one; *provided*, that Congress make provision for or authorize such diversion to be made for the purpose herein contained; all estates that may escheat to the State; all of such per centum as may be granted by Congress on the sale of lands; all fines collected under the penal laws of the State unless otherwise ordered and directed by law; all property given or bequeathed to the State for educational purposes, and all proceeds derived from any or all of said sources, shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other funds for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties as the Legislature may provide by law; and the Legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above-mentioned sources, in United States bonds, or the bonds of this State, or the bonds of other States of the Union, or farm-loan bonds of the federal land banks, or the bonds of any county in the State of Nevada, or the bonds of any irrigation or drainage district of the State of Nevada, or in loans at a rate of interest of not less than six per cent per annum, secured by mortgage on agricultural lands in this State of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances; *provided*, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; *and provided further*, that such portion of said interest as may be necessary may be appropriated for the support of the state university.

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

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 229.

On motion of Mr. Jurich, duly seconded and carried, further action on Assembly Bill No. 229 was postponed until after the Joint Session.

#### IN JOINT SESSION

Joint Session called to order at 10 a. m.

President Sullivan of the Senate presiding.

Roll-call of Senate by the Secretary of the Senate:

President—Senators Bulmer, Chapin, Cowles, Dressler, Fairchild, Fitzgerald, Fletcher, Getchell, Meder, Miller, Penrose, Scott, Sheehan, Smith, Sprague, Uniacke, and Vencill—17.

The President of the Senate declared a quorum present.

Roll-call of the Assembly by the Chief Clerk of the Assembly.

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—35.

Absent (excused)—Henderson and Martin—2.

The Speaker announced a quorum of the Assembly present.

Thomas A. Bath, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination by Mr. Platt.

Fred Oldfield, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination waived by Mr. Platt.

Dave McLean, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination by Mr. Platt.

Robert L. Tucker, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination waived by Mr. Platt.

John McKernan, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination by Mr. Platt.

Redirect examination by Attorney-General Diskin.

Recross-examination by Mr. Platt.

H. C. Nicholson, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination waived by Mr. Platt.

H. W. Edwards, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination by Mr. Platt.

G. F. Boreman, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination by Mr. Platt.

President Sullivan declared a recess for five minutes.

Recessed at 11:25 a. m.

### IN JOINT SESSION

Joint Session called to order at 11:30 a. m.

President Sullivan of the Senate presiding.

G. F. Boreman, witness for the State, recalled.

Cross-examination resumed by Mr. Chandler.

Redirect examination by Attorney-General Diskin.

Recross-examination by Mr. Chandler.

Redirect examination by Attorney-General Diskin.

Fred Oldfield, witness for the State, recalled by Attorney-General Diskin.

Redirect examination by Attorney-General Diskin.

Miss Bessie Fulmer, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination by Mr. Platt.

On motion of Senator Fitzgerald, duly seconded and carried, the Joint Session recessed until 1:30 p. m.



## IN JOINT SESSION

Joint Session called to order at 1:30 p. m.

President Sullivan of the Senate presiding.

Roll-call of the Senate by the Secretary of the Senate:

Present—Senators Bulmer, Chapin, Cowles, Dressler, Fairchild, Fitzgerald, Fletcher, Getchell, Meder, Miller, Penrose, Scott, Sheehan, Smith, Sprague, Uniacke, and Vencil—17.

The President of the Senate announced a quorum of the Senate present.

Roll-call of the Assembly by the Chief Clerk of the Assembly:

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—35.

Absent (excused)—Martin and Henderson—2.

The Speaker of the Assembly declared a quorum of the Assembly present.

Miss Pearl Baker, witness for the State, called and sworn.

Direct examination by Attorney-General Diskin.

Cross-examination waived by Mr. Platt.

G. F. Boreman, witness for the State, recalled.

Redirect examination by Mr. Diskin.

G. L. Hexem, witness for the State, called and sworn.

Direct examination by Mr. Diskin.

Cross-examination waived by Mr. Platt.

Attorney-General Diskin announced that he had presented the State's case.

The State rests.

Carlisle Bradley, witness for the defense, called and sworn.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

Thomas E. Haley, witness for the defense, called and sworn.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

J. H. Gallagher, witness for the defense, called and sworn.

Direct examination by Mr. Chandler.

Cross-examination waived by Mr. Diskin.

George Doyle, witness for the defense, called and sworn.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

Mr. Chandler filed defendant's Exhibits A, B, and C, which were placed in evidence.

President Sullivan declared a recess of five minutes.

Recessed at 2:50 p. m.

## IN JOINT SESSION

E. C. Hair, witness for the defense, called and sworn.

Direct examination by Mr. Chandler.

Cross-examination waived by Mr. Diskin.

Joint Session called to order at 2: 55 p. m.

President Sullivan of the Senate presiding.

W. S. Enslow, witness for the defense, called and sworn.

Direct examination by Mr. Platt.

Cross-examination by Mr. Diskin.

George A. Whiteley, witness for the defense, called and sworn.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

Mr. Chandler filed Defendant's Exhibits D and E, which were placed in evidence.

W. S. Enslow, witness for the defense, recalled.

Direct examination by Mr. Diskin.

B. L. Quayle, witness for the defense, called and sworn.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

On motion of Senator Fitzgerald, duly seconded and carried, the Joint Session adjourned until Wednesday, March 14, 1923, at 10 a. m.

## HOUSE IN SESSION

At 3: 45 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Henderson and Martin, who were excused.

## MOTIONS AND RESOLUTIONS

By Mr. Jurich:

Assembly Resolution No. 17:

WHEREAS, In the matter of the removal of Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, witnesses have been subpoenaed who are entitled to fees and mileage, also the Sergeant-at-Arms, who subpoenaed said witnesses, being entitled to mileage, and it is necessary that the Assembly allow the same; therefore, be it

*Resolved*, That Stanley Lockwood, Sergeant-at-Arms of the Assembly, who served said subpoenas, be and he is hereby allowed mileage in going to and returning from White Pine County and for traveling while in said county, making a total of 1,168 miles, at the rate of 25 cents per mile as provided by the rules of this body, or a total of \$292, and that the following witnesses, all from White Pine County, be and they are hereby allowed mileage one way or 574 miles at the rate of 25 cents per mile as required by the rules of this body, or \$143.50, together with the sum of \$12 for attendance, making a total sum of \$155.50, the names of said witnesses being as follows:

H. W. Edwards, C. A. Eddy, G. F. Boreman, C. E. Handwright, D. C. McDonald, W. E. Meyers, W. S. Elliott, Phil Aljets, David McLean, Thos. A. Bath, Geo. Doyle, R. L. Tucker, Geo. P. Annand, P. E. Woodward, H. C. Nicholson, W. S. Enslow, F. D. Oldfield, O. G. Bates, A. L. Hexem, Pearl Baker, John McKernan, and that Thomas Brandon of Winnemucca be and he is hereby allowed the sum of \$57, and J. E. Robbins of Elko the sum of \$92, the same being in accordance with the rules of the Assembly; and it is further



*Resolved*, That the State Controller draw his warrants in favor of the parties above named and for the amounts above set out, and that the State Treasurer pay the same.

Mr. Jurich moved, duly seconded, that Assembly Resolution No. 17 be adopted.

Remarks by Messrs. Jurich, Kennedy, Addenbrooke, and Whiteley.

Mr. Addenbrooke moved, duly seconded, to amend motion of Mr. Jurich, and refer Assembly Resolution No. 17 to the Committee on Claims.

Amendment to motion of Mr. Jurich, as offered by Mr. Addenbrooke, carried.

Mr. Addenbrooke moved, duly seconded, that Assembly Bill No. 189 be recalled from the Committee on Ways and Means and rereferred to Committee on Education.

Motion carried.

#### INTRODUCTION AND FIRST READING

By Mr. Long :

Assembly Bill No. 232—An Act fixing the salary of clerk in the office of the Governor.

On motion of Mr. Long, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, referred to the Committee on Ways and Means, considered engrossed, and was declared an emergency measure.

#### GENERAL FILE AND THIRD READING

Discussion resumed on Assembly Bill No. 229.

The following amendment was offered by the Committee on Military and Indian Affairs :

Amend the first two "Whereas" clauses by inserting after the semicolon in lines 2 and 6, the word "and"; also, strike out all that part of section 1, page 2, beginning with the word "in" in line 7, and insert in lieu thereof the following: "and cut in the stone across the top thereof, the following inscription: 'NEVADA HEROES MEMORIAL BUILDING.'" Also, amend section 2, page 2, by striking out the words "two thousand" in line 20, and inserting in lieu thereof the words "three thousand."

Moved by Mr. Swanson, duly seconded, that the amendments offered by the Committee on Military and Indian Affairs be adopted.

Messrs. Jurich, Whiteley, and Peterson asked for a roll-call on amendments :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Hayes, Hays, Houlahan, Hussman Kennedy, Keough, Laing, Long, Love, Marsh, Murphy, Nelson, Patterson, Stites, Swanson, Tandy, Towle, Whitesides, and Yeager—24.

NAYS—Henrichs, James, Jurich, Meyers, Millar, Peterson, Whiteley, and Whitmore—8.

Absent—Henderson and Martin—2.

Not voting—Gosse, Robb and Mr. Speaker—3.

Mr. Speaker declared that the amendment to Assembly Bill No. 229 offered by the Committee on Military and Indian Affairs was adopted.

Roll-call on Assembly Bill No. 229, as amended :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes,

Hays, Henrichs, Houlahan, James, Jurich, Kennedy, Keough, Laing, Long, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—32.

NAYS—None.

Absent—Henderson, Love, and Martin—3.

Not voting—Whitmore and Mr. Speaker—2.

Mr. Speaker declared that Assembly Bill No. 229, having received a constitutional majority, was passed.

The following amendment to the title was offered by Mr. Swanson: Strike out all that portion of the title beginning with the word "for" in line 2, and insert in lieu thereof the following: "making an appropriation therefor."

On motion of Mr. Swanson, duly seconded and carried, the amendment was adopted.

#### Senate Joint Resolution No. 8:

*Resolved by the Senate and the Assembly of Nevada,* That we, for ourselves and for the people of the State of Nevada, do heartily endorse the bill introduced in the national House of Representatives by Congressman Towner on April 11, 1921, being H.R. 7, and by Senator Sterling in the United States Senate on April 27, 1921, as Senate Bill 1252, and commonly known as the Towner-Sterling Education Bill, being a bill to create a Department of Education, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes.

Remarks by Mr. Whiteley.

#### Roll-call on Senate Joint Resolution No. 8:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Stites, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Henderson, Martin, and Towle—3.

Not voting—Robb and Mr. Speaker—2.

Mr. Speaker declared that Senate Joint Resolution No. 8, having received a constitutional majority, was passed.

#### Senate Bill No. 144.

Remarks by Mr. Kennedy.

#### Roll-call on Senate Bill No. 144:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Hayes, Henderson, Martin, and Towle—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 144, having received a constitutional majority, was passed.

#### Senate Bill No. 139.

On motion of Mr. Jurich, duly seconded and carried, Senate Bill No. 139 was laid on the table.

#### Senate Bill No. 142.

Remarks by Mr. Whiteley.

#### Roll-call on Senate Bill No. 142:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes,



Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson, Martin, and Swanson—3.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 142, having received a constitutional majority, was passed.

Senate Bill No. 132.

Remarks by Mr. Yeager.

Roll-call on Senate Bill No. 132:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Carpenter and Mr. Speaker—2.

Mr. Speaker declared that Senate Bill No. 132, having received a constitutional majority, was passed.

Senate Bill No. 60.

Mr. Addenbrooke moved, duly seconded, that Senate Bill No. 60 be indefinitely postponed.

Remarks by Messrs. Love, Keough, Geraghty, Stites, Patterson, Addenbrooke, and Long.

Messrs. Keough, Murphy, and Whitesides asked for roll-call on motion to indefinitely postpone Senate Bill No. 60:

YEAS—Addenbrooke, Carpenter, Davison, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Jurich, Kennedy, Laing, Long, Marsh, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Whiteley, Whitesides, and Yeager—24.

NAYS—Garaventa, Hussman, James, Keough, Love, Millar, Murphy, Towle, and Whitmore—9.

Absent—Henderson and Martin—2.

Not voting—Meyers and Mr. Speaker—2.

Mr. Speaker declared that the motion to indefinitely postpone Senate Bill No. 60 was carried.

Senate Bill No. 120.

On motion of Mr. Whitesides, duly seconded and carried, Senate Bill No. 120 was laid on the table.

Senate Bill No. 90.

Remarks by Mr. Love.

Roll-call on Senate Bill No. 90:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Mr. Speaker.

Senate Bill No. 90, having received a constitutional majority, was declared passed.

## Senate Bill No. 152.

Remarks by Messrs. Jurich and Whiteley.

Roll-call on Senate Bill No. 152:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Meyers and Mr. Speaker—2.

Senate Bill No. 152, having received a constitutional majority, was declared passed.

## Senate Bill No. 147.

The following amendment to Senate Bill No. 147 was offered by Mr. Meyers: In section 1 strike out the figure 5 in line 8, page 1, and insert in lieu thereof the figure 3; also, in section 1, add, after the word "fund," line 4, page 2, the words "*provided*, that no pension shall be paid to any person before March 1, 1925."

Mr. Meyers moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Addenbrooke, Meyers, and Davison.

Messrs. James, Jurich and Davison asked for roll-call on amendment to section 1 of Senate Bill No. 147 offered by Mr. Meyers:

YEAS—Carpenter, Davison, Geraghty, Hayes, Houlahan, James, Jurich, Kennedy, Long, Marsh, Meyers, Millar, Peterson, Robb, Stites, Tandy, Whiteley, and Whitmore—18.

NAYS—Addenbrooke, Garaventa, Gosse, Hays, Henrichs, Hussman, Keough, Laing, Love, Murphy, Nelson, Patterson, Swanson, Towle, Whitesides, and Yeager—16.

Absent—Henderson and Martin—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that the amendment offered by Mr. Meyers was adopted.

The following amendment was offered by Mr. Meyers: In section 2 strike out lines 5, 6, 7, and 8.

On motion of Mr. Hayes, duly seconded and carried, the amendment was adopted.

The following amendment was offered by the Committee on Ways and Means: In section 1 strike out the figure 5 in line 8, and insert the figure 3. After the word "fund" in line 4, page 2, section 1, add the words and figures: "*provided*, that no pension or salary shall be paid to any person before March 1, 1925."

On motion of Mr. Addenbrooke, duly seconded and carried, the amendment was adopted.

Roll-call on Senate Bill No. 147, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Mr. Speaker.



Mr. Speaker declared that Senate Bill No. 147, having received a constitutional majority, was passed.

Senate Bill No. 134.

Remarks by Mr. Yeager.

Roll-call on Senate Bill No. 134:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 134, having received a constitutional majority, was passed.

Senate Bill No. 149.

Remarks by Mr. Addenbrooke.

Roll-call on Senate Bill No. 149:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 149, having received a constitutional majority, was passed.

On motion of Mr. Love, duly seconded and carried, the Assembly adjourned until Wednesday, March 14, 1923, at 9:30 a. m.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), March 14, 1923.

Assembly called to order at 9:30 a. m.

Mr. Speaker in the chair.

Roli called.

All present, except Messrs. Henderson and Martin, who were excused.

Invocation by Rev. Father Murphy.

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

The Committee on Engrossment hereby certifies that bound copies of Assembly Substitute for Senate Bill No. 58, Assembly Joint Resolution No. 19, Assembly Bill No. 231, and Assembly Substitute for Senate Bill No. 75, hereto attached, are correct copies of the triplicates thereof in its possession.

ALICE S. TOWLE, *Chairman.*

*Mr. Speaker:*

Your Committee on Education has had Assembly Bill No. 189 and Senate Bill No. 148 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

Also, Senate Bill No. 80, Substitute for Senate Joint Resolution No. 9 and Assembly Joint Resolution No. 4, and Senate Bill No. 80, and reports the same without recommendation.

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

Your Committee on Judiciary has had Senate Joint Resolution No. 12 and Assembly Substitute for Senate Bill No. 75 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Federal Relations has had Assembly Joint Resolution No. 19 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

HARRY SWANSON, *Acting Chairman.*

*Mr. Speaker:*

Your Committee on Roads and Highways has had Assembly Bill No. 31 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with attached amendment.

H. J. LONG, *Chairman.*

*Mr. Speaker:*

Your Committee on Labor has had Senate Substitute for Senate Bill No. 25 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

MARTIN P. GERAGHTY, *Chairman.*

*Mr. Speaker:*

Your Committee on Internal Improvements has had Assembly Bills Nos. 74 and 197 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

FRANK L. GARAVENTA, *Chairman.*



*Mr. Speaker:*

Your Committee on Banks and Banking has had Assembly Bill No. 110 under consideration, and begs leave to report unfavorably on the same, with the recommendation that it do not pass.

P. L. NELSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Joint Resolution No. 13 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

Your Committee on Irrigation has had Senate Bill No. 154 under consideration, and begs leave to report the same without recommendation.

GEO. G. HUSSMAN, *Chairman.*

*Mr. Speaker:*

Your Committee on Live Stock has had Senate Bill No. 155 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

H. E. LOVE, *Chairman.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 149, which this day passed the Senate, as amended.

Also, Assembly Bill No. 180, which passed, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 230, which passed—Yeas, 17; nays, none.

Also, Assembly Bill No. 190, which passed—Yeas, 15; nays, 1; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Nelson, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 149.

On motion of Mr. Patterson, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 180.

#### MOTIONS AND RESOLUTIONS

On motion of Mr. Whitesides, duly seconded, Senate Bill No. 120, which was laid on the table, was taken from the table and placed on general file.

Remarks by Mr. Marsh.

#### GENERAL FILE AND THIRD READING

Assembly Substitute for Senate Bill No. 58.

Remarks by Mrs. Millar.

Roll-call on Assembly Substitute for Senate Bill No. 58:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henderson and Martin—2.

Not voting—Mr. Speaker.

Assembly Substitute for Senate Bill No. 58, having received a constitutional majority, was declared passed.

On motion of Mr. Whiteley, duly seconded and carried, the Assembly recessed until close of Joint Session in the afternoon.

### IN JOINT SESSION

Joint Session called to order at 10:05 a. m.

President Sullivan of the Senate presiding.

Roll-call of the Senate by Secretary of the Senate:

Present—Senators Bulmer, Chapin, Cowles, Dressler, Fairchild, Fitzgerald, Fletcher, Getchell, Meder, Miller, Penrose, Scott, Sheehan, Smith, Sprague, Uniacke, and Vencill—17.

The President of the Senate announced a quorum of the Senate present.

Roll-call of the Assembly by the Chief Clerk of the Assembly:

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henrichs, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—35.

Absent (excused)—Henderson and Martin—2.

The Speaker of the Assembly announced a quorum of the Assembly present.

Mr. Chandler asked and was granted permission to recall Mr. E. C. Hair.

E. C. Hair recalled.

Redirect examination by Mr. Chandler.

Recross-examination by Mr. Diskin.

Judge Ben W. Coleman called and sworn as a witness for the defense.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

Judge Geo. A. Bartlett called and sworn as a witness for the defense.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

Joe Lozano called and sworn as a witness for the defense.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

L. N. French called and sworn as a witness for the defense.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

James M. Lockhart called as a witness for the defense.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.

The presiding officer announced that the Joint Session would recess for five minutes.

### IN JOINT SESSION

Joint Session called to order at 11:12 a. m.

President Sullivan of the Senate presiding.

J. M. Collins called and sworn as a witness for the defense.

Direct examination by Mr. Chandler.

Cross-examination by Mr. Diskin.



Harry H. Stevenson called and sworn as a witness for the defense.  
Direct examination by Mr. Chandler.  
Cross-examination by Mr. Diskin.

Mrs. C. J. McFadden called and sworn as a witness for the defense.  
Direct examination by Mr. Chandler.  
Cross-examination waived by Mr. Diskin.

Mr. Chandler offered a certified copy of testimony as Defendant's Exhibit F in evidence.

Clarence J. McFadden called and sworn as a witness for the defense.  
Direct examination by Mr. Chandler.

On motion of Senator Fitzgerald, duly seconded and carried, the Joint Session recessed until 1:30 p. m.

Recessed at 12:05 p. m.

### IN JOINT SESSION

Joint Session called to order at 1:50 p. m.

President Sullivan of the Senate presiding.

Roll-call of the Senate by the Secretary of the Senate:

Present—Senators Bulmer, Chapin, Cowles, Dressler, Fairchild, Fitzgerald, Fletcher, Getchell, Meder, Miller, Penrose, Sheehan, Smith, Sprague, Uniacke, and Vencill—16.

Absent—Senator Scott.

The President of the Senate announced that a quorum of the Senate was present.

Roll-call of the Assembly by the Chief Clerk of the Assembly:

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—34.

Absent—Henderson, Henrichs, and Martin—3.

The Speaker announced that a quorum of the Assembly was present.

Examination of Clarence J. McFadden resumed.

Redirect examination by Mr. Chandler.

Exhibit G offered by the defendant.

Exhibit H offered by the defendant.

Cross-examination by Mr. Diskin.

The presiding officer declared a brief recess.

Recessed at 2:45 p. m.

### IN JOINT SESSION

Joint Session called to order at 3 p. m.

President Sullivan of the Senate presiding.

Examination of Clarence J. McFadden resumed.

Cross-examination continued by Mr. Diskin.

Exhibit 5 offered by Mr. Diskin.

Redirect examination by Mr. Chandler.

H. C. Nicholson recalled by Mr. Chandler.  
 Redirect examination by Mr. Chandler.  
 Recross-examination waived by Mr. Diskin.

W. S. Enslow recalled by Mr. Diskin.  
 Redirect examination by Mr. Diskin.  
 Recross-examination by Mr. Chandler.

On motion of Senator Fitzgerald, duly seconded and carried, Joint Session recessed for ten minutes.

The presiding officer gave notice to counsel that one hour would be allowed each side in which to give the arguments.

Recessed at 3:35 p. m.

### IN JOINT SESSION

Joint Session called to order at 3:50 p. m.

President Sullivan of the Senate presiding.

The presiding officer announced that, with the consent of counsel, witnesses would be relieved from further attendance at the Joint Session.

Opening argument by Deputy Attorney-General Powell.

Answering argument by Mr. Chandler and Mr. Platt.

Closing argument by Attorney-General Diskin.

On motion of Senator Fitzgerald, duly seconded and carried, Joint Session dissolved at 5:45 p. m.

### HOUSE IN SESSION

At 5:50 p. m.

Mr. Speaker in the chair.

Roll-call:

Present—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—33.

Absent (excused)—Davison, Henderson, Henrichs, and Martin—4.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 7:30 p. m.

### HOUSE IN SESSION

At 7:30 p. m.

Mr. Speaker in the chair.

Roll called.

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—35.

Absent—Henrichs and Martin—2.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled



Bills Nos. 79, 151, 188, 184, 162, 139, 137, 153, 172, 185, 194, 224, 164, 86, 148, 187, 208, 179, and 199 and Assembly Joint Resolutions Nos. 12, 17, and 14 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman*.

*Mr. Speaker:*

Your Committee on Judiciary has had Assembly Bill No. 109 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass as amended.

W. M. KENNEDY, *Chairman*.

*Mr. Speaker:*

Your Committee on Elections has had Senate Bill No. 40 under consideration, and begs leave to report favorably on the same with the recommendation that it do pass.

C. E. WHITESIDES, *Chairman*.

*Mr. Speaker:*

Your Committee on Banks and Banking has had Assembly Bill No. 178 under consideration, and begs leave to report on the same, without recommendation.

P. L. NELSON, *Chairman*.

#### MOTIONS AND RESOLUTIONS

By Mr. Patterson:

Assembly Resolution No. 18.

*Resolved*, That the Enrolling Committee be and are hereby authorized and empowered to arrange for such additional assistance as they deem proper and necessary in enrolling Assembly bills during the remainder of the present session, as provided for by section 4125 of the Revised Laws of 1912.

On motion of Mr. Patterson, duly seconded and carried, Resolution No. 18 was adopted.

By Mr. Kennedy:

Assembly Concurrent Resolution No. 16.

WHEREAS, A complaint alleged to constitute reasonable cause for the removal of Clarence J. McFadden from the office of District Judge of the Ninth Judicial District Court of the State of Nevada has been heretofore, to wit: on the 5th day of March, A. D. 1923, duly entered on the Journals of each house of the Legislature being then and there in regular session; and

WHEREAS, The District Judge so complained of was duly and regularly served with a true copy of the complaint against him and said District Judge thereafter duly and regularly filed an answer to the complaint; and

WHEREAS, Said District Judge was thereafter given an opportunity to be heard in person and by counsel in his defense, and said District Judge has hereinafter availed himself of said opportunity and before both houses of said Legislature, duly convened in Joint Session, was fully heard on the 12th, 13th, and 14th days of March, 1923; and

WHEREAS, It now appears to the Assembly and to the Senate of the State of Nevada in regular session assembled that reasonable cause exists for the removal of said Clarence J. McFadden, though it may or may not be sufficient grounds for impeachment; now, therefore, be it

*Resolved by the Assembly, the Senate concurring*, That in pursuance of the foregoing facts and in accordance with section 3 of article VII of the Constitution of the State of Nevada, said Clarence J. McFadden be, and he hereby is, removed from the office of District Judge of the Ninth Judicial District Court of the State of Nevada, in and for the county of White Pine.

Mr. Kennedy moved, duly seconded, that Resolution No. 16 be adopted.

Remarks by Messrs. Jurich and Kennedy.

Roll-call on Assembly Concurrent Resolution No. 16:

YEAS—Davison, Hayes, Hays, Houlahan, Hussman, Jurich, Keough, Laing,

Long, Meyers, Patterson, Peterson, Marsh, Robb, Stites, Tandy, Whitesides, and Yeager—18.

**YAYS**—Addenbrooke, Carpenter, Garaventa, Geraghty, Gosse, James, Kennedy, Love, Millar, Murphy, Nelson, Swanson, Towle, Whiteley, and Whitmore—15.

Absent—Henrichs and Martin—2.

Not voting—Henderson and Mr. Speaker—2.

Assembly Concurrent Resolution No. 16, having failed to receive a two-thirds majority, was declared lost.

By Committee on Claims:

Assembly Resolution No. 19:

**WHEREAS**, In the matter of the removal of Clarence J. McFadden, Judge of the Ninth Judicial District Court of the State of Nevada, witnesses have been subpoenaed who are entitled to fees and mileage, also the Sergeant-at-Arms, who subpoenaed said witnesses, being entitled to mileage, and it is necessary that the Assembly allow the same; therefore, be it

*Resolved*, That Stanley Lockwood, Sergeant-at-Arms of the Assembly, who served said subpoenas, be and he is hereby allowed mileage in going to and returning from White Pine County and for traveling while in said county, making a total of 1,168 miles, at the rate of 25 cents per mile as provided by the rules of this body, or a total of \$292; and that the following witnesses, all from White Pine County, be and they are hereby allowed mileage one way or 574 miles at the rate of 25 cents per mile as required by the rules of this body, or \$143.50, together with the sum of \$12 for attendance, making a total sum of \$155.50, the names of said witnesses being as follows:

O. C. Bradley, Thomas Haley, J. H. Gallagher, George Doyle, E. C. Hair, B. L. Quayle, H. H. Stevenson, J. T. Blake, James McDonough, H. W. Edwards, C. A. Eddy, G. F. Boreman, C. E. Handwright, D. C. McDonald, W. E. Meyers, Phil Aljets, David McLean, Thos. A. Bath, R. L. Tucker, Geo. P. Annand, P. E. Woodward, H. C. Nicholson, W. S. Enslow, F. D. Oldfield, O. G. Bates, A. L. Hexem, Pearl Baker, J. O. McKernan, and that Thomas Brandon of Winnemucca be and he is hereby allowed the sum of \$57, and J. E. Robbins of Elko the sum of \$92; Miss Bessie Fulmer, 3 days, \$9.

George A. Bartlett and Joseph Lozano, both from Reno, a distance of 30 miles at 25 cents per mile, \$7.50, and James Collins, Assistant Sergeant-at-Arms, trip to Reno and return, 60 miles, \$15; and be it further

*Resolved*, That the State Controller draw his warrant in favor of the parties above named and for the amounts above set out, and that the State Treasurer pay the same.

On motion of Mr. Yeager, duly seconded, Assembly Resolution No. 19 was adopted.

#### INTRODUCTION AND FIRST READING

Mr. Stites asked leave to introduce a bill without previous notice.

On motion of Mr. Patterson, duly seconded and carried, leave was granted.

By Mr. Stites:

Assembly Bill No. 233—An Act to authorize, empower and direct the Board of County Commissioners of the county of Humboldt to issue bonds for the erection of an addition to the county high school, equipment thereof, and the installation of a heating plant for such county high school.

Mr. Stites moved, duly seconded, that Assembly Bill No. 233 be considered an emergency measure, considered engrossed, and be placed on general file and third reading for final passage.

Motion carried.



## GENERAL FILE AND THIRD READING

Assembly Bill No. 189.

Remarks by Messrs. Whiteley, Jurich, Long, and Keough.

Roll-call on Assembly Bill No. 189 :

YEAS—Addenbrooke, Davison, Geraghty, Gosse, Hayes, Hays, Houlahan, James, Laing, Long, Meyers, Millar, Murphy, Nelson, Stites, Tandy, Towle, Whiteley, and Whitmore—19.

NAYS—Carpenter, Garaventa, Hussman, Jurich, Keough, Love, Marsh, Patterson, Peterson, Robb, Swanson, and Whitesides—12.

Absent—Henderson, Henrichs, Kennedy, and Martin—4.

Not voting—Yeager and Mr. Speaker—2.

Assembly Bill No. 189, having received a constitutional majority, was declared passed.

Assembly Bill No. 110.

On motion of Mr. Stites, duly seconded, Assembly Bill No. 110 was placed at top of file for general file and third reading on Thursday morning, March 15, 1923.

Assembly Bill No. 197.

Mr. Geraghty moved, duly seconded, that the bill be indefinitely postponed.

Remarks by Messrs. Marsh, Long, Keough, Whiteley, Swanson, and Hayes.

Motion lost.

Roll-call on Assembly Bill No. 197 :

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, James, Jurich, Kennedy, Long, Love, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Whiteley, Whitesides, Whitmore, and Yeager—28.

NAYS—Keough, Towle, and Mr. Speaker—3.

Absent—Henderson, Henrichs, and Martin—3.

Not voting—Houlahan, Hussman, and Laing—3.

Assembly Bill No. 197, having received a constitutional majority was declared passed.

Mr. Love gave notice that on the next legislative day he would ask for a reconsideration of vote taken on Assembly Bill No. 197.

Upon motion of Mr. Keough, the Assembly adjourned until 9 a. m. Thursday, March 15, 1923.

Approved :

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*

## THE SIXTIETH DAY

CARSON CITY (Thursday), March 15, 1923.

Assembly called to order at 9 a. m.

Mr. Speaker in the chair.

Roll called.

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—36.

Absent (excused)—Henrichs.

On motion of Mr. Henderson, duly seconded and carried, further reading of the Journal was dispensed with, the Chief Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education has had Senate Bill No. 139 under consideration, and begs leave to report unfavorably on the same, with the recommendation that it do not pass.

GEORGE A. WHITELEY, *Chairman.*

*Mr. Speaker:*

Your Committee on Live Stock has had Senate Bill No. 150 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

H. E. LOVE, *Chairman.*

*Mr. Speaker:*

Your Committee on Printing has had Senate Bill No. 55 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

D. H. TANDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 190, 149, 230, and 180 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Assembly Bill No. 232 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

B. R. ADDENBROOKE, *Chairman.*

*To the Honorable the Assembly:*

We, your Committee on State Institutions, herewith submits the following report: We have made a thorough investigation of conditions in and about the Orphans Home and respectfully submit the following: We believe that, in the interests of economy and efficiency, a small tractor should be purchased for use about the farm; that the team of horses should be disposed of, as a small tractor could, in our opinion, do the work as well and much more economically; that a tract of land near the farm be purchased for the pasturage of milch cows thereon. We find the sanitary conditions of the home in perfect condition, and the health of the children even above normal. They



seem to be well fed, contented and happy. We especially compliment the Superintendent and Matron for the admirable manner in which the home is conducted.

MARGUERITE H. GOSSE,  
*Acting Chairman of Committee.*  
DANIEL J. ROBB.  
THOMAS H. HAYES.

*Mr. Speaker:*

The Lincoln County Delegation has had Senate Bill No. 145 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

H. E. LOVE, *Chairman.*

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to present for the consideration of your honorable body Senate Substitute for Assembly Bill No. 196, which passed the Senate, March 14, 1923, by the following vote. Yeas, 17; nays, none.

Also, Assembly Bill No. 210, which passed—Yeas, 14; nays, 2; not voting, 1. Also, to return Assembly Substitute for Assembly Bill No. 23, which passed the Senate—Yeas 16; nays, 1.

Also, Assembly Bill No. 68, which passed—Yeas, 17; nays, none.

Also, Assembly Bill No. 93 (reprint), which passed, as amended—Yeas, 14; nays, 3.

Also, to advise your honorable body that the Senate on March 13, 1923, concurred in the Assembly's amendments to Senate Bill No. 108.

Also, to return Assembly Bill No. 176, which passed as amended—Yeas, 16; nays, 1.

Also, to present Senate Substitute for Senate Bill No. 92, which passed—Yeas, 17; nays, none.

Also, Senate Substitute for Senate Bill No. 93, which passed, as amended—Yeas, 17; nays, none.

Also, Senate Bill No. 153, which passed, as amended—Yeas, 17; nays, none.

Also, Senate Joint Resolution No. 15, which passed—Yeas, 17; nays, none.

Also, to advise you that the Senate on March 14, 1923, refused to concur in the amendments offered by the Assembly to Senate Bill No. 147 and Senate Substitute for Senate Bills Nos. 29, 39, and Assembly Bill No. 4.

VIVIAN RICKY,  
*Assistant Secretary of the Senate.*

On motion of Mr. Whiteley, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 93 (reprint).

On motion of Mr. Jurich, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 176.

Mr. Whiteley moved, duly seconded, that a conference committee be appointed to confer with Senate on amendments offered by Assembly to Senate Bill No. 147 and Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4.

Mr. Speaker appointed the following as a conference committee on Senate Bill No. 147: Messrs. Hussman, Garaventa, and Laing.

Mr. Speaker appointed the following as a conference committee to act on Senate Substitute for Senate Bills Nos. 29, 39, and Assembly Bill No. 4: Messrs. Addenbrooke, Carpenter, and Henderson.

## INTRODUCTION AND FIRST READING

Mr. Henderson asked leave to introduce a bill without previous notice.

Leave granted.

By Mr. Henderson:

Assembly Bill No. 234—An Act amending an Act entitled "An Act creating a commission to be known as the Colorado River Development Commission of Nevada, defining its powers and duties, and making an appropriation for the expense thereof," approved February 20, 1923.

On motion of Mr. Henderson, duly seconded and carried, Assembly Bill No. 234 was declared an emergency measure, considered engrossed, and placed at top of the file for third reading and final passage.

Senate Substitute for Assembly Bill No. 196.

On motion of Mr. Nelson, duly seconded, the Assembly adopted substitute as proposed by Senate for Assembly Bill No. 196, the committee report was eliminated, and bill placed on general file for third reading and final passage; and further that an emergency exists.

Senate Substitute for Senate Bill No. 92—An Act to provide an excise tax on the sale of gasoline, distillate, and other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles; to provide for the collection thereof; to provide a manner of ascertaining the number of gallons of gasoline, distillate and such other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles, sold or distributed in the State of Nevada; to provide for the registration of dealers engaged in the distribution of and sale of gasoline, distillate, and other volatile and inflammable liquid fuels; to fix a penalty for the violation of the provisions of this Act; to define certain words, terms and phrases herein, and to repeal all other Acts or parts of Acts in conflict herewith.

On motion of Mr. Kennedy, duly seconded and carried, 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; and further that an emergency exists.

Senate Substitute for Senate Bill No. 93—An Act to amend section 2 of an Act entitled "An Act regulating automobiles or motor vehicles in public roads, highways, parks or parkways, streets and avenues within the State of Nevada; providing a license for the operation thereof, and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended and in what manner; to provide for the registration and issuing of number plates for vehicles; and repealing an Act entitled 'An Act to amend certain sections of an Act entitled "An Act regulating automobiles or motor vehicles on public roads, highways, parks or parkways, streets and avenues, within the State of Nevada; providing a license for the operation thereof and prescribing penalties for its violation; designating the manner of handling the receipts therefrom, and the purpose for which it may be expended, and in what



manner, and repealing an Act of the same title approved March 24, 1913," approved March 24, 1915,' approved March 24, 1917, and repealing a certain section of a certain Act," approved March 25, 1921.

On motion of Mr. Jurich, 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; and further that an emergency exists.

Senate Joint Resolution No. 15.

On motion of Mr. Henderson, 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; and further that an emergency exists.

Senate Bill No. 153—An Act providing for the employment and compensation of inmates of the Nevada State Prison, and making an appropriation therefor.

On motion of Mr. Laing, 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; and that an emergency exists.

Mr. Speaker announced that, if there were no objections, an order would be made and entered in the minutes of the Assembly whereby the records of the County Clerk and the State Controller and all other official records which were introduced in evidence at the trial for the removal of Judge Clarence J. McFadden, would be returned to the proper officials.

There being no objections, it was so ordered.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 110.

On motion of Mr. Martin, duly seconded, Assembly Bill No. 110 was laid on the table.

Assembly Substitute for Senate Bill No. 75.

On motion of Mr. Whitesides, duly seconded, Assembly Substitute for Senate Bill No. 75 was laid on the table.

Assembly Bill No. 74.

The following amendment was offered by Mr. Addenbrooke: In section 1 strike out the word "payment" in line 15, page 1, and insert the word "patent" in lieu thereof.

On motion of Mr. Addenbrooke, duly seconded, the amendment was adopted.

Roll-call on Assembly Bill No. 74, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Houlahan, Hussman, Jurich, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—None.

Absent—Geraghty, Henderson, Henrichs, James, Kennedy, and Keough—6.  
Not voting—Peterson and Mr. Speaker—2.

Assembly Bill No. 74, having received a constitutional majority, was declared passed.

Assembly Joint Resolution No. 19, memorializing the Congress of the United States of America to enact an immigration bill including a provision excluding hereafter as immigrants all aliens who are ineligible to citizenship of the United States.

Remarks by Mr. Long.

Roll-call on Assembly Joint Resolution No. 19:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hayes, Hays, Hussman, Jurich, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—None.

Absent—Geraghty, Henderson, Henrichs, Houlahan, James, Kennedy, and Keough—7.

Not voting—Mr. Speaker.

Assembly Joint Resolution No. 19, having received a majority vote, was declared passed.

Assembly Bill No. 109.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 109 was laid on the table.

Assembly Bill No. 178.

On motion of Mr. Jurich, duly seconded and carried, Assembly Bill No. 178 was laid on the table.

Assembly Bill No. 233.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Hussman, Jurich, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—30.

NAYS—None.

Absent—Henderson, Henrichs, Houlahan, James, Kennedy, and Keough—6.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 233, having received a constitutional majority, was passed.

Assembly Bill No. 31.

Remarks by Messrs. Stites, Tandy, Long, and Nelson.

Roll-call on Assembly Bill No. 31:

YEAS—Addenbrooke, Carpenter, Davison, Geraghty, Gosse, Hayes, Hays, Henderson, Jurich, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Towle, Whiteley, and Whitesides—26.

NAYS—Garaventa and Hussman—2.

Absent—Henrichs, Houlahan, James, Kennedy, and Keough—5.

Not voting—Tandy, Whitmore, Yeager, and Mr. Speaker—4.

Mr. Speaker declared that Assembly Bill No. 31, having received a constitutional majority, was passed.

Senate Bill No. 154.

The following amendment was offered by Mr. Laing: Strike out all of line 12 to comma after the word "Valley," in section 1, page 4.

Mr. Laing moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Laing, Murphy, and Patterson.

Amendment lost.



The following amendment was offered by Mr. Peterson: Strike out after "SECTION 1," all of line 1 and all of line 2, and insert in lieu thereof the following: "There is hereby created the Department of Highways, which shall consist of a board of three directors, one of whom shall be a business man and experienced executive who shall be designated by the Governor as the chairman of the Board of Directors of the Department of Highways. The directors shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for a period of two years. No more than two of such directors shall belong to the same political party, and all such directors shall have been bona-fide residents of the State of Nevada for at least five years immediately prior to the date of their appointment. No person so appointed shall be pecuniarily interested in any highway contract in the State of Nevada, and if any such director shall voluntarily become so interested, his office shall ipso facto become vacant. Said directors or any of them may be removed from office at any time by the Governor for cause. The Department of Highways may adopt such rules or by-laws not inconsistent with this Act as may be necessary to govern its acts and proceedings. It shall adopt a seal for use in authenticating its contracts, records, and proceedings. The Department of Highways shall maintain its offices at Carson City, Nevada, in charge of the chairman of the Board of Directors, and such offices shall be kept open at such times as the business of the department and the convenience of the public may require. Said offices shall be provided by the State Board of Capitol Commissioners. The Attorney-General shall be the legal adviser of the Department of Highways; *provided*, the chairman of the board, upon entering the duties of his office, shall file with the Secretary of State his official oath, and shall likewise give and file with the Secretary of State a bond to the State of Nevada in the sum of twenty-five thousand (\$25,000) dollars conditioned for the faithful performance of his duties. Said bond shall be approved by the Governor; *provided further*, the Governor shall have power to fill all vacancies in the board that may happen during the recess of the Senate, which appointments shall expire at the end of the next session of the Legislature.

SEC. 2. The board shall designate and fix the salary of the chairman, which shall not exceed the sum of five thousand dollars per annum, and in addition to such compensation his actual necessary traveling expenses when absent from the State Capitol upon business of the department. The board shall also designate and fix the duties of the chairman of the board and the time which he shall devote to the business of the Department of Highways. The other directors of the Department of Highways shall each receive a salary of ten dollars per day for each day necessarily employed in the business of the department, not to exceed one thousand dollars per annum for each director, and shall be entitled to their actual necessary traveling expenses when engaged in the duties of the office.

SEC. 3. The Board of Directors of the Department of Highways shall meet at such times as may be designated by the chairman. They shall approve all proposed construction projects, give their advice

and assistance in all matters submitted to them by the chairman, and shall employ and fix the compensation of all engineers and employees. Such compensation for any engineer or employee is not to exceed five thousand dollars annually; *provided*, that no person other than laborers shall be employed by the Department of Highways who has not been a bona-fide resident of the State of Nevada for at least six months immediately preceding the date of such employment.

SEC. 4. The board shall keep a record of all proceedings and orders pertaining to the business of the office and of the department; and shall keep on file copies of all plans, specifications and estimates prepared by the department. They shall cause to be made and kept by the Department of Highways a general plan of the State, and shall collect information and compile statistics relative to the mileage, character, and condition of the highways and bridges in the different counties of the State. They shall investigate and determine the methods of road construction best adapted to the various sections of the State, and shall establish standards for the construction and maintenance of highways in the various counties, giving due regard to the topography, natural conditions, character, and availability of road-building material. They may at all reasonable times be consulted by county officers having authority over highways and bridges relative to any question involving such highways and bridges, and they may, in like manner, call on such county officials for any information or assistance they may render in the performance of their duties with reference to the highways and bridges within their county, and it shall be the duty of such county officials to supply such information when called upon for same by the said board. They shall determine the character and have the general supervision of the construction and repair of all roads and bridges improved under the provisions of this Act. They shall report all the proceedings of the board to the Governor annually, and at such other times as he may designate.

SEC. 5. The State of Nevada hereby accepts and assents to the provisions of the Act of Congress of the United States entitled "An Act to provide that the United States shall aid the States in the construction of rural post-roads, and for other purposes," approved July 11, 1916, and as amended. The board is hereby authorized to enter into all contracts and agreements with the United States Government relating to the survey, preparation of plans, construction and maintenance of roads under the provisions of the said Act of Congress, to submit such scheme or program of construction and maintenance as may be required by the Secretary of Agriculture of the United States, and do all other things necessary fully to carry out the cooperation contemplated and provided for by the said Act. For the construction or improvement of federal-aid highways under the said Act the good faith of the State is hereby pledged to make available funds sufficient to meet the sums apportioned to the State by or under the United States Government during each and all of the years for which federal funds are appropriated by said Act, and to maintain at its own expense the highways so constructed with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance.



Page 1, line 3, strike out the numeral 8 and insert in lieu thereof the numeral 6. Page 3, line 29, change the spelling of the word "Paradise" to "Paradise." Page 4, after the end of section on line 20, insert the following:

SEC. 7. In order to provide funds for carrying out the provisions of this Act there is hereby created the State Highway Fund, which shall consist of the funds now on hand in said fund and such uncollected taxes for said fund heretofore provided by law. In order to provide for the continuation of the State Highway Fund there shall be levied for the year 1923 an ad valorem tax of ten cents, and annually thereafter ten cents on each one hundred dollars of taxable property in this State, including the proceeds of mines, which shall be collected as other taxes, and paid into the State Treasury for said State Highway Fund for the exclusive use and purpose of this Act. Any portion of said State Highway Fund unexpended at the expiration of any fiscal year shall be available for apportionment and expenditure during succeeding years, and until this Act is modified or repealed. Said State Highway Fund and the moneys collected therefor shall be available and shall be used for the purpose of constructing, equipping and maintaining the highways designated by the preceding section.

Page 4, strike out lines 21 and 22.

Page 4, line 23, strike out numerals 10 following the word "Section" and insert in lieu thereof the numeral 8.

Page 4, line 24, strike out the words "State Highway Engineer" and insert in lieu thereof the word "board."

Page 4, line 26, strike out the word "he" at the end of the line and insert in lieu thereof the word "they."

Page 5, line 3, strike out the words "State Highway Engineer" and insert in lieu thereof the word "board."

Page 5, line 4, after the semicolon following the word "county" insert the following: *provided*, that the board may enter into agreement with the Board of County Commissioners of any county through which the highway passes for the work of maintenance of such highways such work to be performed under the direction of the County Commissioners under rules and regulations of the said Highway Board; *provided, further*, that, in so far as practicable, the Board of Directors shall employ the County Engineer, or County Surveyor, if qualified, as resident engineer in the county where work is located, with the consent of the County Commissioners of said county. The compensation for said engineer shall be paid for jointly by the county and the State Highway Department in such proportion as may be agreed upon.

Page 5, line 4, strike out the word "however" and insert in lieu thereof the word "further."

Page 5, strike out lines 9 and 10.

Page 5, line 11, strike out the numerals 11 and insert in lieu thereof the numeral 9.

Page 5, lines 31 and 32, strike out the words "State Highway Engineer" and insert in lieu thereof the word "board."

Page 6, line 1, strike out the words "State Highway Engineer" and insert in lieu thereof the words "chairman of the board."

Page 6, line 8, after the period following the word "property" insert the following:

SEC. 10. All work of construction and improvement of state highways as defined and established under the provisions of this Act, and all highways permitted under and by virtue of the provisions of section 29, shall be under the supervision and direction of the board, and shall be performed in accordance with the plans, specifications, and contracts prepared and executed by the board therefor.

Page 6, strike out lines 9 and 10.

Page 6, line 11, strike out the numerals 13 and insert in lieu thereof the numerals 11.

Page 6, lines 13 and 14, strike out the words "State Highway Engineer" and insert in lieu thereof the words "chairman of the board."

Page 6, line 21, strike out the words "State Highway Engineer" and insert in lieu thereof "chairman of the board."

Page 6, line 27, strike out the words "State Engineer" and insert in lieu thereof the words "chairman of the board."

Page 7, line 4, strike out the words "State Highway Engineer" and insert in lieu thereof the words "chairman of the board."

Page 7, line 5, strike out the words "State Highway Engineer" and insert in lieu thereof the words "chairman of the board."

Page 7, line 8, after the period following the word "examiners" insert the following:

SEC. 12. Whenever it shall appear to the board that any work or improvements can be done in a more economical or other satisfactory manner than by contract, it shall be discretionary with the board, with the approval of the Governor and the Board of County Commissioners of the county in which the work is to be performed, to execute such work or improvements; otherwise it shall be the duty of the board to advertise for bids for such work according to plans and specifications prepared by them. Publication thereof shall be made in a newspaper of general circulation in the county in which the proposed improvement or construction is to be made, for a period of two weeks in a weekly newspaper, or for a period of ten days when in a daily newspaper, and such advertisement shall be published in one or more daily papers of general circulation throughout the State for a period of ten days. Such advertisement shall state the place where the bidders may inspect the plans and specifications, the time and place when bids will be received, and the time and place for opening the same. Every bid shall be accompanied by a certified check of the bidder or a bid bond of a duly registered bonding company in an amount equal to five per cent of the amount of his bid, said amount to be forfeited to the State Highway Fund should the bidder to whom the contract is awarded fail to enter into the contract in accordance with his bid and give the bond required within ten days after notice of such award. The checks or bonds of all unsuccessful bidders shall be returned immediately after the contract is awarded and the bond given. All bids so submitted shall be received at the office of the Department of Highways and shall be publicly opened and read at the time stated in the advertisement. The board shall have the right to reject any



and all bids, if, in the opinion of the board the bids are unbalanced, or for any good cause. In awarding contract the board shall make the award to the lowest responsible bidder. The successful bidder shall be required to furnish bond, approved by the chairman of the board, in a sum equal to at least one-half of the amount of the contract awarded, conditioned that such work shall be performed in accordance with the plans and specifications and terms of contract, and otherwise conditioned as in this Act provided, and no party bidding for work shall be accepted as surety on any required bond. When the contract is executed, a copy of the same, including plans and specifications and estimates of cost, shall be filed forthwith in the office of the Department of Highways and a like copy filed with the Clerk of the Board of County Commissioners of the county in which the work is to be performed.

SEC. 13. The board may authorize partial payment to any contractor performing any highway improvement or construction as the work progresses. The progress estimates shall be based upon materials in place and labor expended thereon; but not more than eighty-five per cent of the contract price of work shall be paid in advance of full completion and acceptance of such improvement or construction. Fifteen per cent of the contract price of any work or improvement or construction shall be withheld until the same is satisfactorily completed and accepted by the board and such other officer of the United States Government as shall have supervision of other highways within the meaning of this Act.

SEC. 14. All contracts authorized under the provisions of this Act shall be executed in the name of the State of Nevada and shall be signed by the Governor, attested by the Secretary of State, and the chairman of the board under the seal of the department, signed by contracting party or parties, and the form and legality thereof approved by the Attorney-General. The Board of Directors and no employee of the Department of Highways shall be interested directly or indirectly in any contract of any kind or character for the construction, supervision or maintenance of any of the state highways of this State, and any such contract shall be void. The Board of Directors or any employee who shall become, directly or indirectly, interested in any contract for the construction, supervision, or maintenance of any of the state highways in this State shall be guilty of a misdemeanor.

SEC. 15. Every contractor for improvements, construction or maintenance shall execute a bond as heretofore provided herein, and in addition to the conditions heretofore provided such bond shall provide and secure payment for all material, provisions, provender, and supplies, teams, trucks, and other means of transportation used in, or upon, or about, or for the performance of the work contracted to be done, and for any work or labor done thereon. Any person or corporation furnishing labor or supplies, as heretofore provided herein desiring to be protected under said bond shall file his claim within thirty days from the completion of the contract with the Department of Highways, which claim shall be verified and contain a statement that

same has not been paid. And any such person or corporation may thereafter commence an action against the surety or sureties on the bond for the recovery of the amount of the claim. Failure to commence the action upon such claim against the bond and the sureties thereon within six months shall bar any right of action against such surety or sureties. Every successful contractor to whom a contract is awarded shall be liable under the provisions of the Nevada Industrial Commission Act (Stats. 1913, page 137, et seq.) and shall pay the premiums and percentages as required in said Act, and such Act shall be mandatory and compulsory upon every such contractor, and the State Controller, before paying any money or drawing his warrant, may require satisfactory evidence of the payment of the premiums required under said Act. No contractor shall let any subcontract except upon the written permission and approval of the Department of Highways, and all subcontractors shall be required in like manner to comply with the terms of the Nevada Industrial Commission Act in like manner as contractors.

Page 7, strike out lines 9 and 10.

Page 7, line 11, strike out the numerals 18 and insert in lieu thereof the numerals 16. Page 7, line 17, after the period following the word "for" insert the following:

SEC. 17. No state highway shall be dug up, crossed or otherwise used for laying or relaying pipe-lines, ditches, flumes, sewers, poles, wires or railways or for other purposes, without the written consent of the board; and then only in accordance with the regulations prescribed by said board; and all such work shall be done under the supervision and to the satisfaction of said board; and all the cost of replacing the highway in as good condition as previous to its being disturbed shall be paid by the persons to whom or in whose behalf such permit was given or by the person by whom the work was done. In case of immediate necessity therefor a city or town may dig up such state highway without such permit from said board; *provided*, that in such cases such highways shall be forthwith replaced in as good condition as before at the expense of such city or town.

SEC. 18. The board may purchase for the State all rock-crushers, steam-rollers, vehicles, and road machinery, tools and implements that may be needed for the purpose of this Act, and such machinery shall be managed and used by and under the direction of the board, who shall employ competent men to operate and keep them in repair. Said board may purchase all necessary materials and supplies and incur such other expenses as may be necessary in the operation, maintenance, and transportation of all such road machinery, tools and implements.

Page 7, strike out lines 18 and 19.

Page 7, line 20, strike out the numerals 21 and insert in lieu thereof the numerals 19.

Page 8, lines 1 and 2, strike out the words "State Highway Engineer" and insert in lieu thereof the words "chairman of the board."

Page 8, line 10, after the period, following the word "purposes" insert the following:



SEC. 20. The Department of Highways, in the name of the State, is hereby empowered to lease, purchase, or otherwise acquire (including acquisition by donation) gravel, sand, or gravel or sand-pits, rock, rock-quarries, road metal and road material of any kind, also the right to take water from any stream, ditch, lake, well, or other source of water supply, for drinking purposes or for the use of contractors or for the use of the Department of Highways, in the construction of the state highway or in the maintenance thereof; and the board is further empowered, where it is impossible to agree with the owner or owners thereof, to condemn the land upon which said materials may be situated or any water necessary for the supplying of the water aforesaid and to institute and carry on all necessary proceedings therefor. The amount agreed to be paid or the amount of the payment awarded for such material or water shall be paid upon the certificate of the board as other claims against the State are paid. But nothing contained in this Act shall be so construed as to divest any person or company of any vested right in or to such water right or the beneficial use thereof.

SEC. 21. The board shall have authority to employ any and all labor necessary to carry out the provisions of this Act, and shall pay such labor the reasonable and customary price per day for the class of work performed.

SEC. 22. Whenever in the construction, reconstruction, maintenance or repair of any of the state highways, it shall appear to the board that any portion of the state highway as herein defined is dangerous or inconvenient to the traveling public in its present location, or as it may from time to time be located, by reason of grades, dangerous turns, or other local conditions, or that the expense in the construction, building, maintenance, or repair thereof would be unreasonably great and could be materially reduced or lessened by change of route, the board is hereby empowered to divert or change said route in such manner as in its discretion may seem best; *provided*, that the said board shall first submit a plan of the proposed change to the Governor and the same shall be approved by him. As part of every plan and of all specifications and contracts for the construction of said highways herein provided for, provision shall be made for the erection of permanent guide-posts and signboards at every point where another road crosses or diverges such state highway and at all places requiring warning to the traveling public as to the condition of the road, such as dangerous turns, steep grades etc., which guide-posts and signboards shall contain plain and accurate information as to the distances of towns and other points, such as is usually contained on signboards for the information of the traveling public.

SEC. 23. No advertising signs, signboards, or boards or other materials containing advertising matter shall be placed upon or over any state highway, nor within twenty feet of the main traveled portion thereof, nor within the right-of-way limits, nor upon any bridge or other structure thereon; *provided*, that counties, towns or cities of the State of Nevada may, by permission of the State Highway Department, place at such points as may be designated by the board suitable signboards advertising such counties, towns or municipalities. If any

such sign is placed in violation of this Act, it is hereby declared a public nuisance and may be forthwith removed by the Department of Highways or its employees. Any person placing any such sign in violation of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than ten dollars or more than fifty dollars.

SEC. 24. All highways constructed under the provisions of this Act shall be constructed in such manner as to provide for sufficient and permanent drainage and of such materials as to insure, so far as reasonably may be done, considering all of the circumstances, permanent wearing qualities and to provide against excessive maintenance cost. Regard shall always be had to the character and quality of the traffic to be accommodated and the interests of the public to be served.

SEC. 25. The board may employ or cause to be employed the convicts confined in the State Prison in the construction, improvement and maintenance of the state highways provided for in this Act, or in the quarrying, mining, preparation or transportation of materials for use thereon. Upon the requisition of the board, the Warden of the State Prison shall send to the place and at the time designated the number of convicts requisitioned or such portion thereof as are, in the judgment of the Warden, available. The board shall designate and supervise all road work done by such convicts; and the Department of Highways shall provide for and maintain the necessary camps and camp equipment for the accommodation of the said convicts and the guards for such camp. But the Warden of the State Prison shall have full control at all times over the discipline of said convicts. The expense of transportation, necessary guarding, and all extra expenses necessary or incidental to the work of such convicts shall be borne by the board as herein provided. The board and the Warden shall enter into an agreement respecting the division of such expense on the basis hereinbefore stated, it being the intention that all the extra expense connected with the use of said convicts upon the state highways, over and above the care and maintenance of said convicts at the State Prison, shall be borne by the Department of Highways. The proper authorities of said State Prison and of the State are hereby empowered and directed, where convicts are so employed upon state highways, to grant additional good-time allowance to such convicts conditioned upon their loyal obedience and efficient cooperation with the State, and also, in their discretion, to pay such convicts 25 cents for each day's work faithfully performed.

SEC. 26. The State Printer of the State of Nevada is hereby authorized and directed to furnish such stationery and printing, including all reports, statistics, blanks or reports and accounts as may be necessary for the use of the department hereby created and its officers upon the requisition of the board, at the actual cost of furnishing and preparation thereof, payable monthly.

SEC. 27. Whenever the state highway, as it now exists or may hereafter be designated and created, crosses any railroad track at grade, whether the same be a street railroad or an interurban railroad, or a steam railroad, such railroad company is hereby required to construct



and maintain such highway, at its own expense, as hereinafter provided. Said railroad company shall construct and maintain a suitable surface upon both sides of each track and for the full space between the tracks and for two feet on the outer side of each line of tracks for the full height of the rails and of the width equal to that of the roadway and not less than twenty feet, such surface to be of a type and character approved by the board. In case of a failure of such railroad company to comply with the provisions of this Act, the Department of Highways, may, at its option, construct and maintain it in the condition herein provided, and shall have the right to recover the expenses thereof from such railroad company from time to time as circumstances require.

SEC. 28. All moneys received from the Government of the United States, under and by virtue of the provisions of an Act of Congress entitled "An Act to provide that the United States shall aid the States in the construction of rural post-roads and for other purposes," approved July 11, 1916, and as amended, for the construction of any of the state highways in this State shall be paid into the State Treasury and become a part of the State Highway Fund.

SEC. 29. In any county through which no state highway or state highway route is located in accordance with the provisions of section 6 of this Act or as hereafter defined by any Act of Legislature, such county shall be entitled to receive the full amount which it has paid into the State Treasury for the State Highway Fund less its proportional share for administrative and overhead expenses prorated on the bases of assessed valuation, and an additional amount which shall be equivalent to that portion of the money received from the Federal Government under the terms of the Act of Congress of the United States entitled "An Act to provide that the United States shall aid in the construction of rural post-roads, and for other purposes," approved July 11, 1916, and as amended, which the assessed valuation of the State as a whole shall be used by such county in the building and maintaining of any highway within its borders; *provided, however*, that the general plan thereof shall be approved by the board of this State and conform to the Act of Congress of the United States entitled "An Act to provide that the United States shall aid the States in the construction of rural post-roads, and for other purposes," approved July 11, 1916, and as amended.

SEC. 30. Counties through which the state highway routes pass may, through the Board of County Commissioners, authorize the expenditure of moneys in excess of the amount of the county-state highway fund provided for by section 9 of this Act upon the state highway within their respective counties.

SEC. 31. It shall be the duty of the board, upon the request of the Board of County Commissioners of any county, to take charge and supervise the construction of any county highways and the expenditures of moneys thereon when deemed advisable by such Board of County Commissioners.

SEC. 32. The Department of Highways is hereby authorized to accept donations of moneys, labor and material to be expended or

used upon the state highways at such points or places as may be designated by the donor.

SEC. 33. All Acts and parts of Acts in conflict herewith are hereby repealed.

Page 1—Amend the title by striking out all of line 1 beginning with the words “to amend” and ending with the words “An Act.” Strike out the quotation marks and the comma at the end of line 2 after the word “Nevada” and insert in lieu thereof a period. Strike out all of line 3 so that the title will read “An Act to provide a general highway law for the State of Nevada.”

Mr. Peterson moved, duly seconded, that amendment be adopted.

Messrs. Jurich, Peterson and Long asked for roll-call on motion of Mr. Peterson.

Roll-call on motion:

YEAS—Carpenter, Davison, Hayes, Hays, James, Jurich, Long, Martin, Millar, Murphy, Nelson, Peterson, Robb, Stites, and Swanson—15.

NAYS—Addenbrooke, Garaventa, Geraghty, Gosse, Houlahan, Hussman, Keough, Love, Nelson, Tandy, Towle, Whiteley, Whitmore, and Yeager—14.

Absent—Henrichs, Kennedy, and Marsh—3.

Not voting—Henderson, Long, Meyers, Patterson, Whitesides, and Mr. Speaker—6.

Mr. Speaker declared that amendments offered by Mr. Peterson to Senate Bill No. 154 were adopted.

Remarks by Mr. Peterson.

Roll-call on Senate Bill No. 154, as amended:

YEAS—Carpenter, Davison, Hayes, Hays, James, Jurich, Long, Marsh, Martin, Meyers, Millar, Murphy, Patterson, Peterson, Robb, Stites, Tandy, Whitesides, and Mr. Speaker—19.

NAYS—Addenbrooke, Garaventa, Geraghty, Gosse, Henderson, Houlahan, Hussman, Keough, Laing, Love, Nelson, Swanson, Towle, Whiteley, Whitmore, and Yeager—16.

Absent—Henrichs and Kennedy—2.

Mr. Speaker declared that Senate Bill No. 154, having received a constitutional majority, was passed.

Senate Bill No. 148—An Act designating a primary route of a highway through the State of Nevada, and repealing all Acts in conflict therewith.

Mr. Whitesides moved, duly seconded, that Senate Bill No. 148 be indefinitely postponed.

Remarks by Messrs. Marsh, Love, Jurich, Long, Henderson, Laing, Addenbrooke, Tandy, Stites, and Miss Towle.

Mr. Stites moved, duly seconded, that Senate Bill No. 148 be laid on the table.

Messrs. Love, Long, and Jurich asked for roll-call on motion to lay Senate Bill No. 148 on the table.

Roll-call on motion to lay Senate Bill No. 148 on the table:

YEAS—Garaventa, Geraghty, Kennedy, Laing, Murphy, Patterson, Peterson, Stites, and Whitesides—9.

NAYS—Carpenter, Davison, Hayes, Hays, Houlahan, Hussman, James, Jurich, Keough, Long, Love, Marsh, Meyers, Millar, Robb, Tandy, Towle, Whiteley, Whitmore, and Yeager—20.

Absent—Henrichs.

Not voting—Addenbrooke, Gosse, Henderson, Martin, Nelson, Swanson, and Mr. Speaker—7.



Mr. Speaker declared the motion to lay Senate Bill No. 148 on the table lost.

Remarks by Messrs. Whiteley, Meyers, Keough, Kennedy, Stites, and Long.

Messrs. Marsh, Love, and Davison asked for roll-call on motion to indefinitely postpone Senate Bill No. 148.

Roll-call on motion to indefinitely postpone Senate Bill No. 148:

YEAS—Garaventa, Kennedy, Murphy, Peterson, Stites, and Whitesides—6.

NAYS—Addenbrooke, Carpenter, Davison, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Nelson, Patterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—28.

Absent—Henrichs.

Not voting—Henderson and Mr. Speaker—2.

Mr. Speaker declared the motion to indefinitely postpone Senate Bill No. 148 lost.

Roll-call on Senate Bill No. 148:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Long, Love, Marsh, Meyers, Millar, Nelson, Robb, Swanson, Tandy, Towle, Whiteley, Whitmore, and Yeager—27.

NAYS—Laing, Murphy, Patterson, Peterson, Stites, and Whitesides—6.

Absent—Henrichs.

Not voting—Henderson, Martin, and Mr. Speaker—3.

Mr. Speaker declared that Senate Bill No. 148, having received a constitutional majority, was passed.

Assembly Bill No. 234.

Remarks by Messrs. Henderson and Addenbrooke.

Roll-call on Assembly Bill No. 234:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henrichs and Kennedy—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 234, having received a constitutional majority, was passed.

Senate Bill No. 120.

Mr. Geraghty moved, duly seconded, that Senate Bill No. 120 be laid on the table.

Motion lost.

Remarks by Messrs. Keough, Geraghty, and Marsh.

Roll-call on Senate Bill No. 120:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Hays, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Marsh, Millar, Murphy, Patterson, Peterson, Robb, Stites, Tandy, Towle, Whiteley, Whitesides, and Yeager—25.

NAYS—Geraghty, Gosse, Henderson, Love, Martin, Meyers, and Nelson—7.

Absent—Hayes and Henrichs—2.

Not voting—Swanson, Whitmore, and Mr. Speaker—3.

Mr. Speaker declared that Senate Bill No. 120, having received a constitutional majority, was passed.

Senate Substitute for Senate Joint Resolution No. 9 and Assembly Joint Resolution No. 4.

Roll-call:

YEAS—Davison, Garaventa, Geraghty, Gosse, Houlahan, James, Jurich, Keough, Long, Love, Marsh, Murphy, Peterson, Stites, Tandy, Whitesides, Yeager, and Mr. Speaker—19.

NAYS—Addenbrooke, Carpenter, Hays, Laing, Martin, Meyers, Millar, Nelson, Patterson, Robb, Towle, Whiteley, and Whitmore—13.

Absent—Hayes, Henderson, Henrichs, Hussman, and Kennedy—5.

Mr. Speaker declared that Senate Substitute for Senate Joint Resolution No. 9 and Assembly Joint Resolution No. 4, having received a constitutional majority, was passed.

Senate Bill No. 80.

The following amendment was offered by Miss Towle: In section 1 strike out the word and numerals "twenty (\$20)," line 4, page 1, and insert in lieu thereof the word and numerals "sixty (60)."

On motion of Miss Towle, duly seconded and carried, the amendment was adopted.

Remarks by Messrs. Jurich, Laing, Love, and Patterson.

Mr. Geraghty moved, duly seconded, that the bill be laid on the table.

Motion lost.

Remarks by Messrs. Keough, Martin, Kennedy, and Marsh.

Roll-call on Senate Bill No. 80, as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, James, Jurich, Kennedy, Laing, Long, Love, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—28.

NAYS—Hayes, Houlahan, Hussman, Keough, Marsh, Peterson, and Robb—7.

Absent—Henrichs.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 80, having received a constitutional majority, was passed.

On motion of Mr. Addenbrooke, duly seconded and carried, the Assembly recessed until 2 p. m.

## HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. Henrichs, who was excused.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Agriculture has had Assembly Joint Resolution No. 15 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

WEBSTER PATTERSON, *Chairman.*

## MOTIONS AND RESOLUTIONS

On motion of Mr. Long, duly seconded and carried, Assembly Bill No. 146 was recalled from committee and placed on general file.



## GENERAL FILE AND THIRD READING

Senate Substitute for Senate Bill No. 25.

Mr. Jurich moved, duly seconded, that Senate Substitute for Senate Bill No. 25 be laid on the table.

Motion lost.

Remarks by Messrs. Geraghty and Jurich.

Roll-call on Senate Substitute for Senate Bill No. 25:

YEAS—Geraghty, Hayes, Henderson, Houlahan, Hussman, James, Long, Love, Nelson, Tandy, Towle, Whiteley, and Yeager—13.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Gosse, Hays, Jurich, Kennedy, Keough, Laing, Marsh, Martin, Meyers, Millar, Peterson, Patterson, Robb, Stites, Whitesides, and Whitmore—20.

Absent—Henderson.

Not voting—Murphy, Swanson, and Mr. Speaker—3.

Mr. Speaker declared that Senate Substitute for Senate Bill No. 25, having failed to receive a majority, was lost.

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Substitute for Senate Bill No. 58, which this day passed the Senate by the following vote—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 124, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 69, which passed—Yeas, 9; nays, 8.

Also, Assembly Bill No. 82, which passed—Yeas, 15; nays, 1; absent, 1.

Also, Assembly Bill No. 130, which passed—Yeas, 11; nays, 4; absent, 2.

Also, Assembly Bill No. 209, which was lost by the following vote:—Yeas, 7; nays, 8; absent, 2.

Also, to advise your honorable body that the Senate on March 15, 1923, refused to concur in the amendments offered by the Assembly to Senate Bill No. 154.

Also, to present for your consideration Senate Bill No. 59 (reprint), which passed, as amended—Yeas, 13; nays, 4.

Also, to advise your honorable body that the Senate this day refused to concur in the amendments offered by the Assembly to Senate Bill No. 80.

Also, to present Senate Bill No. 156, which passed—Yeas, 16; nays, none; absent, 1.

Also, Senate Joint Resolution No. 14, which passed—Yeas, 16; nays, none; absent, 1.

Also, to advise your honorable body that the Senate this day appointed a conference committee, consisting of Senators Scott, Fairchild, and Fitzgerald, to confer with your like committee on Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4.

Also, that a conference committee was appointed, consisting of Senators Miller, Bulmer, and Smith, to confer with your like committee on Senate Bill No. 148.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Peterson, conference committee was appointed on Senate Bill No. 154, consisting of Messrs. Meyers, Tandy, and Peterson.

On motion of Mr. Swanson, duly seconded, a conference committee, consisting of Messrs. Swanson, Marsh, and Murphy, was appointed on Senate Bill No. 80.

## INTRODUCTION AND FIRST READING

Senate Bill No. 59—An Act making appropriations for the support

of the civil government of the State of Nevada for the years 1923 and 1924.

On motion of Mr. Addenbrooke, 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; and that an emergency does exist.

By Mr. Robb:

Assembly Bill No. 156—An Act requiring reports of marriage licenses and divorces to be made quarterly by the various County Clerks of the State.

On motion of Mr. Laing, 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; and that an emergency does exist.

Senate Joint Resolution No. 14, relative to amending section 32, article 4, of the Constitution of the State of Nevada.

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

#### REPORTS OF COMMITTEES

*Mr. Speaker:* —

Your Committee on Judiciary has had Senate Bill No. 153 under consideration, and begs leave to report favorably on the same, with the recommendation that the same do pass.

W. M. KENNEDY, *Chairman.*

#### GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 12.

Remarks by Messrs. Jurich and Whiteley.

Roll-call on Senate Joint Resolution No. 12:

YEAS—None.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Hayes, Hays, Houlihan, Hussman, James, Jurich, Kennedy, Keough, Long, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

Absent—Geraghty, Henrichs, and Houlihan—3.

Not voting—Laing, Love, and Mr. Speaker—3.

Mr. Speaker declared that Senate Joint Resolution No. 12, having failed to receive a majority, was lost.

Senate Joint Resolution No. 13.

Remarks by Messrs. Addenbrooke and Keough.

On motion of Mr. Whiteley, duly seconded and carried, Senate Joint Resolution No. 13 was laid on the table.

Senate Bill No. 155.

Remarks by Messrs. Long and Love.

Roll-call on Senate Bill No. 155:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Henderson, Houlihan, Hussman, James, Jurich, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—None.

Absent—Henrichs and Kennedy—2.

Not voting—Hays, Robb, and Mr. Speaker—3.



Mr. Speaker declared that Senate Bill No. 155, having received a constitutional majority, was passed.

Senate Bill No. 40.

The following amendment, offered by Mr. Nelson, was adopted: In section 1 strike out the word "five" in lines 18 and 22, page 2, and insert the word "two" in lieu thereof; in section 2 strike out the word "five" in line 1, page 4, and insert the word "two" in lieu thereof.

Mr. Jurich moved, duly seconded, that Senate Bill No. 40 be laid on the table.

Motion lost.

Roll-call on Senate Bill No. 40, as amended:

YEAS—Addenbrooke, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Hussman, Kennedy, Keough, Long, Love, Marsh, Martin, Meyers, Millar, Nelson, Swanson, Tandy, Towle, Whiteley, Whitesides, and Whitmore—23.

NAYS—Carpenter, Davison, Houlahan, James, Jurich, Laing, Murphy, Patterson, Robb, Stites, and Yeager—11.

Absent—Henrichs and Peterson—2.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 40, having received a constitutional majority, was passed.

Assembly Bill No. 232.

Roll-call on Assembly Bill No. 232:

YEAS—Addenbrooke, Carpenter, Davison, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Meyers, Millar, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—31.

NAYS—None.

Absent—Henrichs.

Not voting—Garaventa, Marsh, Martin, Murphy, and Mr. Speaker—5.

Mr. Speaker declared that Assembly Bill No. 232, having received a constitutional majority, was passed.

Senate Bill No. 146.

Mr. Swanson moved, duly seconded, that Senate Bill No. 146 be indefinitely postponed.

Motion lost.

Remarks by Messrs. Long, Henderson, Whiteley, Geraghty, Marsh, and Meyers.

Mr. Meyers moved, duly seconded, that Senate Bill No. 146 be laid on the table.

Motion lost.

On motion of Mr. Swanson, duly seconded and carried, Senate Bill No. 146 was rereferred to Committee on Fish and Games for correction.

Senate Bill No. 55.

Remarks by Messrs. Jurich, Whiteley, Stites, Marsh, and Keough.

Mr. Stites moved, duly seconded, that Senate Bill No. 55 be indefinitely postponed.

Motion lost.

Roll-call on Senate Bill No. 55:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peter-

son, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—35.

NAYS—None.

Absent—Henrichs,

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 55, having received a constitutional majority, was passed.

#### MOTIONS AND RESOLUTIONS

By Mr. Meyers:

Assembly Concurrent Resolution No. 17:

*Resolved by the Assembly, the Senate concurring,* That the sum of six hundred (\$600) dollars be appropriated out of the Legislative Fund as a fund out of which the Chaplains of the Senate and Assembly shall be paid.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 168, which this day passed the Senate, as amended—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 229, which passed—Yeas, 11; nays, 4; absent, 2.

Also, Assembly Bill No. 212, which passed—Yeas, 15; nays, none; absent, 2.

Also, Assembly Bill No. 233, which passed—Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 234, which passed—Yeas, 16; nays, none; absent, 1.

Also, to present Senate Bill No. 33, which passed, as amended—Yeas, 16; nays, none; absent, 1.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Laing, duly seconded and carried, the Assembly concurred in the amendments to Assembly Bill No. 168, as offered by the Senate.

Mr. Whiteley moved, duly seconded, that the Assembly concur in the amendments to Assembly Bill No. 229, as offered by the Senate.

Motion lost.

Mr. Whiteley moved that the Assembly refuse to concur in the Senate amendments, and that a conference committee be appointed to meet with a like committee from the Senate for the purpose of considering Assembly Bill No. 229.

Mr. Speaker appointed Messrs. Nelson, Stites, and Yeager as such committee.

#### INTRODUCTION AND FIRST READING

Senate Bill No. 33—An Act prohibiting the distillation or manufacture of malt or spirituous liquors containing methyl alcohol, lead, tin, zinc, or other metallic or poisonous substances, and providing the punishment therefor.

On motion of Mr. Whitmore, 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; and that an emergency exists.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 145.

Remarks by Mr. Love.

Roll-call on Senate Bill No. 145:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Henderson, Houlahan, Hussman, James, Jurich, Keough, Laing, Love, Marsh,



Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—32.

NAYS—Kennedy.

Absent—Hayes, Henrichs, Long, and Mr. Speaker—4.

Senate Bill No. 145, having received a constitutional majority, was declared passed.

Senate Bill No. 130.

On motion of Mr. Jurich, duly seconded and carried, Senate Bill No. 130 was laid on the table.

Senate Substitute for Assembly Bill No. 196.

Remarks by Mr. Nelson.

Roll-call on Senate Substitute for Assembly Bill No. 196:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, James, Jurich, Kennedy, Keough, Marsh, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—None.

Absent—Henrichs, Long, and Mr. Speaker—3.

Not voting—Hussman, Laing, Love, Martin, and Stites—5.

Senate Substitute for Assembly Bill No. 196, having received a constitutional majority, was declared passed.

Senate Joint Resolution No. 15.

Roll-call:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—34.

NAYS—None.

Absent—Henrichs, Long, and Mr. Speaker—3.

Senate Joint Resolution No. 15, having received a constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate this day appointed a Conference Committee, consisting of Senator Cowles, Chapin, and Sprague, to confer with your like committee on Senate Bill No. 80; also, appointed a Conference Committee, consisting of Senators Scott, Sheehan, and Getchell, to confer with your like committee on Senate Bill No. 154.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

#### GENERAL FILE AND THIRD READING

Senate Bill No. 153.

Roll-call:

YEAS—Addenbrooke, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, and Yeager—29.

NAYS—Carpenter, Love, Tandy, and Whitmore—4.

Absent—Henrichs, Long, and Mr. Speaker—3.

Not voting—Peterson.

Senate Bill No. 153, having received a constitutional majority, was declared passed.

On motion of Mr. Addenbrooke, duly seconded and carried, the Assembly recessed until 5 p. m.

### HOUSE IN SESSION

At 5 p. m.

The Speaker pro tem in the chair.

Roll called.

All present, except Mr. Henrichs, who was excused.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary has had Senate Bill No. 156 under consideration, and begs leave to report favorably on the same, with the recommendation that the same do pass.

W. M. KENNEDY, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Substitute for Senate Bills Nos. 92 and 93 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

B. R. ADDENBROOKE, *Chairman.*

*Mr. Speaker:*

Your Committee on Ways and Means has had Senate Substitute for Senate Bill No. 92 under consideration, and a minority begs leave to report unfavorably on the same, with the recommendation that it do not pass.

H. J. LONG, *Member of Committee.*

*Mr. Speaker:*

Your Conference Committee has had Senate Bill No. 80 under consideration, and begs leave to report on the same, with the recommendation that the following amendment be adopted: In line 4, page 1, strike out the words and figures "sixty (60)" and insert in lieu thereof the words and figures "twenty-five (25)."

R. H. COWLES,

*Chairman Senate Committee.*

HARRY SWANSON,

*Chairman Assembly Committee.*

On motion of Miss Towle, duly seconded and carried, report of Conference Committee on Senate Bill No. 80 was adopted.

*Mr. Speaker:*

Your Conference Committee has had Assembly Bill No. 147 under consideration, and begs leave to report as follows: That the bill be restored to its original form as passed by the Senate.

J. H. MILLER,

*Chairman Senate Committee.*

GEO. G. HUSSMAN,

*Chairman Assembly Committee.*

On motion of Mr. Laing, duly seconded and carried, report of Conference Committee on Assembly Bill No. 147 was adopted.

*Mr. Speaker:*

Your Conference Committee, appointed this day to attempt to reconcile amendments to Senate Substitute for Senate Bills Nos. 20 and 39 and Assembly Bill No. 4, respectfully reports as follows: It recommends that the Assembly amendment, on page 2, line 31, be further amended to read as follows: "and provided further, that no such exemption shall be allowed any one the total value of whose property within the State exceeds six thousand dollars." It recommends that the Assembly recede from its amendment on page 3, lines 8 and 9, leaving the said lines as printed. It recommends that the Senate concur in all other amendments proposed by the Assembly.

B. R. ADDENBROOKE, *Chairman.*



On motion of Mr. Addenbrooke, duly seconded and carried, report of Conference Committee on Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4 was adopted.

## MOTIONS AND RESOLUTIONS

Mr. Kennedy moved, duly seconded, to take Assembly Substitute for Senate Bill No. 75 from the table.

Motion lost.

Mr. Jurich moved, duly seconded, to take Assembly Bill No. 114 from the table.

Motion carried.

Remarks by Messrs. Meyers, Tandy, Marsh, and Kennedy.

Mr. Marsh moved to take Senate Bill No. 130 from the table.

Messrs. Marsh, Addenbrooke, Lockhart, Love, Patterson, Laing, Keough, Marsh, and Hussman asked for roll-call on motion to take Senate Bill No. 130 from the table.

Roll-call on motion to take Assembly Bill No. 130 from the table:

YEAS—Hussman, Keough, Love, and Marsh—4.

NAYS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, James, Jurich, Kennedy, Laing, Long, Martin, Millar, Nelson, Patterson, Peterson, Robb, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—28.

Absent—Henrichs.

Not voting—Meyers, Murphy, Stites, and Mr. Speaker—4.

Mr. Speaker declared the motion to take Assembly Bill No. 130 from the table lost.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed until 7:30 p. m.

## HOUSE IN SESSION

At 7:30 p. m.

Mr. Speaker pro tem in the chair.

Roll called:

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, Yeager, and Mr. Speaker—36.

Absent (excused)—Henrichs.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Fish and Game has had Senate Bill No. 146 under consideration, and begs leave to report unfavorably on the same, with the recommendation that it do not pass.

A. G. MEYERS, *Chairman.*

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 176, 68, 130, 212, 234, 82, 210, Assembly Substitute for Assembly Bill No. 23, and reprint of Assembly Bill No. 93, with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 46, which this day passed the Senate by the following vote: Yeas, 9; nays, 8.

Also, to advise your honorable body that the Senate has concurred in amendments offered by the Assembly to Senate Bill No. 40.

Also, that the Senate appointed a Conference Committee, consisting of Senators Penrose, Sprague and Miller, to confer with your like committee on Assembly Bill No. 229.

Also, to return Assembly Substitute for Senate Bill No. 11, which passed, as amended—Yeas, 15; nays, none; not voting, 2.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Whiteley, duly seconded and carried, the Assembly concurred in the amendments to Assembly Substitute for Senate Bill No. 11, offered by the Senate.

## MOTIONS AND RESOLUTIONS

On motion of Mr. Nelson, duly seconded and carried, Senate Bill No. 146 was ordered reported out of Committee on Fish and Game.

On motion of Mr. Marsh, duly seconded and carried, Senate Substitute for Senate Bill No. 92 was placed at the top of the file.

## GENERAL FILE AND THIRD READING

Senate Bill No. 156.

Remarks by Mr. Kennedy.

Roll-call on Senate Bill No. 156:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Hayes, Hays, Henderson, Houlihan, James, Kennedy, Laing, Long, Marsh, Martin, Miller, Murphy, Nelson, Patterson, Swanson, Tandy, Whiteley, Whitesides, and Whitmore—23.

NAYS—None.

Absent—Gosse, Henrichs, Jurich, and Towle—4.

Not voting—Addenbrooke, Hussman, Keough, Love, Meyers, Peterson, Robb, Stites, Yeager, and Mr. Speaker—10.

Senate Bill No. 156, having received a constitutional majority, was declared passed.

Mr. Speaker in the chair.

Senate Substitute for Senate Bill No. 92.

On motion of Mr. Marsh, duly seconded, Senate Substitute for Senate Bill No. 92 was placed at the top of the file.

Mr. Whitesides requested that committee report be reread on Senate Substitute for Senate Bill No. 92.

Report reread.

Remarks by Messrs. Keough, Tandy, Long, Stites, Peterson, Laing, and Jurich.

Roll-call on Senate Substitute for Senate Bill No. 92:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, and Whitmore—31.

NAYS—Houlihan, Long, Tandy, and Yeager—4.

Absent—Henrichs.

Not voting—Mr. Speaker.



Senate Substitute for Senate Bill No. 92, having received a constitutional majority, was declared passed.

Senate Substitute for Senate Bill No. 93.

The following amendment to the title of the bill was offered by Mr. Henderson: In the title change the word "with" to "within," in line 3.

On motion of Mr. Whiteley, duly seconded and carried, the amendment was adopted.

Roll-call on Senate Substitute for Senate Bill No. 93:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Hussman, James, Jurich, Kennedy, Keough, Laing, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Peterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, and Whitmore—31.

NAYS—Houlahan, Long, Tandy, and Yeager—4.

Absent—Henrichs.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Substitute for Senate Bill No. 93, having received a constitutional majority, was passed.

Senate Bill No. 114.

Mr. Whiteley moved, duly seconded and carried, that all amendments be stricken out and bill restored to original form.

The following amendment was offered by Mr. Kennedy: In section 6 strike out all of the first sentence after the comma in line 25 on page 3 and insert the following in lieu thereof: "The Commissioner of Drug Control and Weights and Measures is hereby designated as such inspector."

Mr. Kennedy moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Kennedy, Jurich, Tandy, Whitesides, Whiteley, and Long.

Amendment lost.

The following amendment was offered by Mr. Kennedy: Strike out the words "duly licensed," in section 1, and strike out sections 3, 4, 6, and 7.

On motion of Mr. Kennedy, duly seconded and carried, the amendment was adopted.

Roll-call on Senate Bill No. 114:

YEAS—Carpenter, Davison, Hayes, Hays, Houlahan, James, Jurich, Laing, Marsh, Martin, Meyers, Millar, Peterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, and Whitmore—20.

NAYS—Garaventa, Henderson, Hussman, Kennedy, Keough, Long, Love, Murphy, Nelson, Patterson, Tandy, and Yeager—12.

Absent—Addenbrooke, Gosse, and Henrichs—3.

Not voting—Geraghty and Mr. Speaker—2.

Mr. Speaker declared that Senate Bill No. 114, having received a constitutional majority, was passed.

Senate Bill No. 146.

The following amendment was offered by Mr. Meyers: In section 1 strike out the word "Walker" on page 1, line 4.

On motion of Mr. Meyers, duly seconded and carried, the amendment was adopted.

The following amendment was offered by Mr. Nelson: In section 1 strike out the words "or County Commissioners," lines 10 and 11; also strike out the words "County Commissioners" in line 14, and insert in

lieu thereof the following: "Nevada State Fish and Game Commission"; also, in line 1, section 1, insert between the words "share" and "have" the following: "under regulations prescribed by the State Fish and Game Commission"; also amend section 2, line 17, by inserting after the word "Act" the following: "or the regulations prescribed by the State Fish and Game Commission."

Moved by Mr. Nelson, duly seconded, that the amendment be adopted.

Remarks by Mr. Nelson.

Amendments adopted.

The following amendment was offered by Mr. Nelson to the title of Senate Bill No. 146: Change title to read "An Act relating to the marketing and sale of fish by Indians under certain restrictions, and providing penalties for the violation thereof."

On motion of Mr. Nelson, duly seconded and carried, the amendment was adopted.

Roll-call on Senate Bill No. 146:

YEAS—Carpenter, Davison, Garaventa, Geraghty, Gosse, Hays, Houlahan, James, Jurich, Kennedy, Love, Martin, Millar, Nelson, Patterson, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, and Yeager—22.

NAYS—Marsh.

Absent—Addenbrooke, Henderson, Henrichs, Hussman, Keough, Laing, Long, Murphy, and Peterson—9.

Not voting—Hayes, Meyers, Robb, Whitmore, and Mr. Speaker—5.

Mr. Speaker declared that Senate Bill No. 146, having received a constitutional majority, was passed.

Mr. Speaker announced that the Assembly would recess for twenty minutes.

Recessed at 9 p. m.

#### HOUSE IN SESSION

At 10:15 p. m.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. Henrichs, who was excused.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 69 and 24, Assembly Substitute for Senate Bill No. 58, and Assembly Bills Nos. 233 and 46 with the engrossed copies, finds same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

*Mr. Speaker:*

Your Conference Committee has had Assembly Bill No. 229 under consideration, and begs leave to report that they have agreed to accept the Assembly amendments.

P. L. NELSON, *Chairman.*

On motion of Mr. Whiteley, duly seconded and carried, the report of the Conference Committee was adopted.



## GENERAL FILE AND THIRD READING

Assembly Bill No. 174.

Remarks by Mr. Hayes.

On motion of Mr. Marsh, duly seconded and carried, Assembly Bill No. 174 was indefinitely postponed.

On motion of Mr. Jurich, duly seconded and carried, the Assembly recessed until 11:30 p. m.

## HOUSE IN SESSION

At 11:35 p. m.

Mr. Speaker in the chair.

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate has this day adopted the reports of the Conference Committee on Senate Bills Nos. 80 and 147; also adopted the report of Conference Committee on Senate Substitute for Senate Bills Nos. 29 and 39 and Assembly Bill No. 4.

Also, to return Assembly Concurrent Resolution No. 17, which was this day adopted unanimously by the Senate.

Also, Assembly Bill No. 157, which passed, as amended—Yeas, 15; nays, 2.

Also, to advise your honorable body that the Senate has refused to concur in the amendments offered by the Assembly to Senate Bill No. 146.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Long, duly seconded and carried, Assembly Bill No. 157 was returned to the Senate for correction.

On motion of Mr. Whiteley, duly seconded and carried, a conference committee, consisting of Messrs. Marsh, Kennedy, and Miss Gosse, was appointed to meet with a like committee from the Senate to consider amendments offered by the Assembly to Senate Bill No. 146.

## GENERAL FILE AND THIRD READING

Senate Bill No. 59.

The following amendment to section 5 was offered by Mr. Peterson: In section 5 change "3,000" to "4,500" in line 21, page 2.

Mr. Peterson moved, duly seconded, that the amendment be adopted. Remarks by Messrs. Peterson, Jurich, and Stites.

Motion lost.

The following amendment to section 9 was offered by Mr. Peterson: Change in line 14, page 3, the figures "45,000" to "50,000."

Mr. Peterson moved, duly seconded, that the amendment be adopted. Remarks by Messrs. Peterson, Tandy, Laing, Hays, and Jurich.

Motion lost.

The following amendments were offered by the Committee on Ways and Means: In line 22, page 3, change the figures \$52,000. Amend line 10, page 4, by changing figures \$4,000. Amend line 20, page 4, by changing figures \$8,000. Insert between lines 27 and 28, page 4, "1 Chief Clerk, \$3,600." Insert between lines 28 and 29, page 4, "1 stenographer, \$3,000."

On motion of Mr. Addenbrooke, duly seconded and carried, the amendments were adopted.

The following amendment to section 12 was offered by Mr. Peterson: Change figures in line 29, page 3, from 12,000 to 18,000.

Mr. Peterson moved, duly seconded, that the amendment be adopted.

Remarks by Messrs. Peterson and Jurich.

Motion lost.

The following amendment was proposed by Mr. Jurich: Strike out section 35.

Mr. Jurich moved, duly seconded, that the amendment be adopted.

Remarks by Mr. Jurich.

Motion lost.

Roll-call on Senate Bill No. 59 as amended:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long, Love, Marsh, Martin, Meyers, Millar, Murphy, Nelson, Patterson, Robb, Stites, Swanson, Tandy, Towle, Whiteley, Whitesides, Whitmore, and Yeager—33.

NAYS—Jurich and Peterson—2.

Absent—Henrichs.

Not voting—Mr. Speaker.

Mr. Speaker declared that Senate Bill No. 59, having received a constitutional majority, was passed.

Assembly Bill No. 222.

On motion of Mr. Tandy, duly seconded and carried, Assembly Bill No. 222 was laid on the table.

On motion of Mr. Long, duly seconded and carried, the Assembly recessed for twenty minutes.

## HOUSE IN SESSION

Mr. Speaker in the chair.

Roll called.

Present—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Jurich, Kennedy, Keough, Laing, Long, Marsh, Martin, Millar, Murphy, Nelson, Patterson, Robb, Stites, Swanson, Towle, Whiteley, Whitesides, Yeager, and Mr. Speaker—31.

Absent—Henrichs, Love, Meyers, Peterson, Tandy, and Whitmore—6.

## INTRODUCTION AND FIRST READING

By Mr. Addenbrooke:

Assembly Bill No. 235—An Act to fix the state tax levy for the fiscal years 1923 and 1924, and to distribute the said levy to the proper funds.

Bill declared an emergency measure, and placed on general file for third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 235.

Remarks by Mr. Jurich.

Roll-call on Assembly Bill No. 235:

YEAS—Addenbrooke, Carpenter, Davison, Garaventa, Geraghty, Gosse, Hayes, Hays, Henderson, Houlahan, Hussman, James, Kennedy, Keough, Laing, Long,



Marsh, Martin, Millar, Murphy, Nelson, Patterson, Stites, Swanson, Towle, Whiteley, Whitesides, Whitmore, and Yeager—29.

NAYS—Jurich, Robb, and Tandy—3.

Absent—Henrichs, Love, Meyers, and Peterson—4.

Not voting—Mr. Speaker.

Mr. Speaker declared that Assembly Bill No. 235, having received a constitutional majority, was passed.

#### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate has refused to concur in the Assembly's amendments to Senate Bill No. 59.

Also, to advise you that the Senate has this day adopted the report of the Conference Committee and has concurred in the Assembly's amendments to Assembly Bill No. 229.

Also, that the Senate this day appointed a Conference Committee, consisting of Senators Miller, Cowles and Meder, to confer with your like committee on Senate Bill No. 146.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Addenbrooke, duly seconded and carried, a conference committee, consisting of Messrs. Addenbrooke, Henderson, and Hussman, was appointed to meet with a like committee from the Senate for the purpose of considering the Assembly's amendments to section 10 of Senate Bill No. 59.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Conference Committee has had Senate Bill No. 146 under consideration, and begs leave to report as follows: That a comma be placed after the word "Pyramid" in line 4, page 1, and insert the word "Walker" between the comma and the word "and."

W. A. MARSH,

J. H. MILLER,

*Chairmen of Committees.*

On motion of Mr. Marsh, duly seconded and carried, the report of the Conference Committee on Senate Bill No. 146 was adopted.

#### MOTIONS AND RESOLUTIONS

On motion of Mr. Peterson, duly seconded and carried, a Free Conference Committee, consisting of Messrs. Patterson, Jurich, and Whitesides, was appointed.

On motion of Mr. Jurich, duly seconded and carried, Senate Bill No. 150 was taken from the table.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 150.

Mr. Marsh moved, duly seconded, that Senate Bill No. 150 be indefinitely postponed.

Remarks by Messrs. Keough, Stites, Marsh, Laing, Jurich, Martin, and Meyers.

Motion carried.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed subject to the call of the Chair.

## HOUSE IN SESSION

Mr. Speaker in the chair.

## MOTIONS AND RESOLUTIONS

Mr. Geraghty moved, duly seconded, that the Assembly rescind its action in concurring in Senate amendments to Assembly Bill No. 176 and do now refuse to concur, and a Conference Committee be appointed.

Motion carried.

Mr. Speaker appointed Messrs. Geraghty, Martin, and Miss Towle as such Conference Committee.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Conference Committee, appointed to consider amendment to Senate Bill No. 59 made by the Assembly in which the Senate refused to concur and from which the Assembly refuses to recede, begs leave to report as follows: We recommend that the Senate concur with the amendment made by the Assembly to section 10 of said bill.

B. R. ADDENBROOKE, *Chairman.*

On motion of Mr. Addenbrooke, duly seconded and carried, the Assembly adopted the report of the Conference Committee, and the Senate was notified.

*Mr. Speaker:*

Your Committee on Free Conference, appointed to consider Senate Bill No. 154, begs leave to submit the following report: The committee recommends the adoption of the Assembly amendments to the bill.

D. J. FITZGERALD,  
*Chairman Senate Committee.*

WEBSTER PATTERSON,  
*Chairman Assembly Committee.*

On motion of Mr. Jurich, duly seconded and carried, the Assembly adopted the report of the Conference Committee.

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 168, Assembly Substitute for Senate Bill No. 11, and Assembly Bill No. 229, with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

## MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor to advise your honorable body that the Senate has appointed a Free Conference Committee, consisting of Senators Fitzgerald, Uniacke, and Chapin, to confer with the Assembly's like committee on Senate Bill No. 154.

Also, to return Assembly Bill No. 189, which this day passed the Senate, as amended, by the following vote: Yeas, 13; nays, none; absent, 4. Amend as follows: Strike out all of sections 1, 2, 3, 5, 11, and 16 (amending sections 5, 6, 13, 19, 32, and 171). Amend section 4 to read "SECTION 1. Section 17 of the above-entitled Act is hereby amended to read as follows." Amend section 6 to read "SEC. 2." Amend section 7 to read "SEC. 3." Amend section 8 to read "SEC. 4." Amend section 9 to read "SEC. 5." Amend section 10 to read "SEC. 6." Amend section 12 to read "SEC. 7." Amend section 13 to read "SEC. 8." Amend section 14 to read "SEC. 9." Amend section 15 to read "SEC. 10." Amend sec-



tion 17 to read "SEC. 11." Amend title of Act by striking out the numerals 5, 6, 13, 19, 32, and 171.

Also, to advise your honorable body that the Senate has refused to adopt the report of the Free Conference Committee on Senate Bill No. 154.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Whiteley, duly seconded and carried, the Assembly concurred in the amendments to Assembly Bill No. 189, as offered by the Senate.

Mr. Speaker asked Mr. Kennedy to take the chair.

Mr. Kennedy in the chair.

Mr. Martin, at the request of the presiding officer, gave a short talk on his trip to the Boulder Canyon Dam site as one of the representatives of the Assembly.

On motion of Mr. Whitesides, duly seconded and carried, the Assembly recessed subject to the call of the Chair.

## HOUSE IN SESSION

Mr. Speaker in the chair.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your committee selected to confer on amendments to Assembly Bill No. 176 respectfully recommends the adoption of the following amendments to the title and body of the Act: Amend title to read as follows: An Act to repeal an Act entitled "An Act providing for a license for the operation of motors and vehicles and other matters relating thereto," approved March 22, 1921.

Amend section 1 to read as follows: SECTION 1. That certain Act entitled "An Act providing for a license for the operation of motors and vehicles and other matters relating thereto," approved March 22, 1921, is hereby repealed.

MARTIN P. GERAGHTY, *Chairman.*

On motion of Mr. Geraghty, duly seconded and carried, report of Select Committee on Assembly Bill No. 176 was adopted.

### MESSAGES FROM THE SENATE

*To the Honorable the Assembly:*

I have the honor herewith to return to your honorable body Assembly Bill No. 235, which this day passed—Yeas, 16; nays, none; absent, 1.

Also, to advise your honorable body that the Senate has adopted the report of the Conference Committee on Assembly Bill No. 176.

Also, to return to your honorable body Assembly Bill No. 31, which this day passed the Senate, as amended—Yeas, 15; nays, none; absent, 1; not voting, 1.

Amend as follows: Amend the title to Assembly Bill No. 31, by adding the letter "s" to "section," and after the figure "8" insert figures 10, 11, 13, 18, and 21.

Strike out beginning with the word "route" on line 4, page 2, section 1, to and including the words "state-line" on line 5, page 2, and insert in lieu thereof the following: *Route 1.* Beginning at a point on the Nevada-Utah state-line near Wendover.

Insert after Route 2a. between lines 20 and 21, page 2, as follows:

*Route 2b.* Commencing at a point in township 17 north, range 22 east, on Leeteville-Carson road, near the Cardelli ranch; thence in a southeasterly direction to the Towle ranch, near Fort Churchill; thence southeasterly to the town of Wabuska; thence southerly to the city of Yerington.

Strike out beginning with the word "the" in line 26, page 2, and ending with

the word "route" on the same line and insert in lieu thereof the following: "way of Minden, Gardnerville and Wellington."

Insert after Route 8, between lines 17 and 18, on page 3, a new route, No. 8a, as follows:

*Route 8a.* Commencing on route 8 at or near Paradise Hill, running thence northerly on the most feasible route through Amos, Quinn River Crossing and thence to Denio; thence westerly through Thousand Creek to Massacre Lake; thence westerly to Vya, and the '49 station to the California state-line to a connection with the California state highway system; beginning again at the city of Winnemucca, thence easterly to the town of Battle Mountain over route No. 1, thence in a southerly direction over what is known as the Jenkins highway to the east side of Reese River Valley to Austin, connecting with route No. 2, thence along route No. 2 to the mouth of Blackbird Canyon; thence southerly through Smoky Valley by the most feasible route connecting with route No. 3 at Tonopah.

Add after route 9, between lines 20 and 21, page 3, the following:

*Route 10.* Commencing at the town of Mina and running southerly by way of Montgomery Pass to the California state-line to connect with the California state highway through Benton to Bishop.

*Route 11.* Beginning at a point on the Nevada-Idaho state-line at or near Owyhee, running in a southerly direction via White Rock, Deep Creek and Independence Valley, connecting with route No. 1 at Elko, thence easterly on route No. 1 to a point at or near Halleek, thence southerly through Secret Pass, continuing in a southerly direction to a point at or near Cherry Creek, connecting with route No. 2 at or near Ely.

Add five new sections after line 22, on page 3, designated as sections 2, 3, 4, 5, and 6, as follows:

SEC. 2. Section 10 of the above-entitled act is hereby amended to read as follows:

Section 10. On the 10th day of January of each and every year the state highway engineer shall send to the board of county commissioners of each county through which the state highway passes a plan in such detail as he may deem advisable, stating therein the amount, character and nature of the construction work to be performed on said state highway within the respective counties during the ensuing year, together with an estimate of the cost of such work; and, immediately upon receipt of such plan and estimate by the board of county commissioners of the respective counties, they shall enter an order making available for state highway purposes the moneys in "The County-State Highway Fund" which shall be subject to be expended under the direction of the state highway engineer upon the state highway within the county; *provided, however,* that no moneys shall be expended from the state highway fund or from "The County-State Highway Fund" within the limits of any city or town having a population of twenty-five hundred (2,500) or more, as shown by the last available census.

SEC. 3. Section 11 of the above-entitled act is hereby amended to read as follows:

Section 11. The board of county commissioners of each and every county through which the state highway and state highway routes, as defined and designated by section 8 of this act, and all other officers are hereby directed to levy and collect annually a tax, the amount of tax to be a sum which in the judgment of the board of county commissioners will be necessary for carrying out the work required in the estimate submitted by the state highway engineer, as provided in section 10 hereof, said tax so fixed to be levied on each one hundred dollars of taxable property within their respective counties for the purpose of creating a highway fund; *provided, however,* that said tax so levied shall not exceed ten cents on each one hundred dollars of taxable property. The proceeds of said tax shall be set aside in a separate fund in the county treasury and shall be used only for the purpose of assisting the state in constructing so much of the state highway or highways as may run through their county. The said fund shall be hereinafter called in this act "The County-State Highway Fund" and shall be expended only under the direction of said state highway engineer, and the moneys shall be paid out upon bills for construction upon the state highways within the county, certified by the state highway engineer, and presented



to and approved by the board of county commissioners as other bills against the county are paid. It shall be the mandatory duty of the board of county commissioners to levy an annual tax for the purpose of creating and maintaining "The County-State Highway Fund"; *provided, however*, that said tax so levied shall not exceed ten cents on each one hundred dollars of taxable property.

Sec. 4. Section 13 of the above-entitled act is hereby amended to read as follows:

Section 13. All bills against the state highway fund for construction, improvement, or maintenance under the provisions of this act shall be certified by the state highway engineer and shall be presented and examined by the board of examiners, and when so allowed, upon being audited by the state controller, the state controller shall draw his warrant therefor upon the state treasurer; *provided, however*, that, upon the written request of the board of directors of the department of highways, the state controller of the State of Nevada is hereby authorized, empowered and directed to draw his warrant in favor of the state highway engineer in the sum of twenty thousand (\$20,000) dollars, and upon presentation of the same to the treasurer of the State of Nevada the said treasurer is hereby authorized, empowered and directed to pay the same; the said sum of twenty thousand (\$20,000) dollars is to be known as the "State Highway Revolving Fund" and may be used by the said state highway engineer for the purpose of paying the current pay-rolls of the department of highways and other obligations requiring prompt payment, and for no other purpose; and all bills or demands paid by him from said fund shall, after payment thereof, be passed upon by the board of examiners in the same manner as other claims against the State of Nevada, and when approved by the board of examiners the controller shall draw his warrant for the amount of such claim or claims in favor of the "State Highway Revolving Fund," to be paid to the order of the state highway engineer, and the treasurer shall pay the same. The state highway engineer is directed to deposit said state highway revolving fund in one or more banks of reputable standing and to secure the said deposit by depository bonds satisfactory to the board of examiners.

Sec. 5. Section 18 of the above-entitled act is hereby amended to read as follows:

Section 18. Whenever a road, being a part of the system of state highways herein created, shall be constructed or improved under the provisions of this act the board shall thereafter keep all such roads in repair, and the total cost of such maintenance shall be paid out of the state highway fund and the county-state highway funds hereunder created and provided for.

Sec. 6. Section 21 of the above-entitled act is hereby amended to read as follows:

Section 21. In all cases of a highway constructed under the provisions of this act which is located or relocated over a new right of way, such right of way shall be acquired by the department of highways in the name of the state, either by donation by the owners of the land over which such highway shall pass, or by agreement between the owners and the department of highways, or through the exercise by the department of highways in the name of and on behalf of the state of the power of eminent domain in the same manner as provided for acquiring property for other public uses, and the entire cost of such right of way shall be paid out of the state highway fund or the county-state highway fund. Any damages that may be sustained by any person by the construction or alteration of any highway under the provisions of this act shall be investigated and determined by the state highway engineer, the same to be approved by the board of highway directors, and shall be paid as other claims against the state are paid.

Any person who may consider himself aggrieved by such determination may commence an action in the district court of the county in which such property lies, within six months after the completion of said highway, or the alteration thereon, in the same manner as actions for damages sustained for the taking of private land for public purposes.

VIVIAN RICKEY,

*Assistant Secretary of the Senate.*

On motion of Mr. Geraghty, duly seconded, the Assembly concurred in the amendments of the Senate to Assembly Bill No. 31.

#### READING OF THE JOURNAL

On motion of Mr. Whiteley, duly seconded and carried, further reading of the Journal was dispensed with, and the Clerk authorized to make any necessary corrections, and the Journal thereupon approved.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 157, 189, 235, and 31 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WEBSTER PATTERSON, *Chairman.*

A committee from the Senate reported that the Senate had concluded its labors, and was ready to adjourn.

On motion of Mr. Henderson, duly seconded and carried, Mr. Speaker appointed a committee, consisting of Miss Gosse, Messrs. Long and Keough, to wait upon the Governor, and inform his Excellency that the Thirty-first Session of the Nevada Legislature had concluded its labors, and to ask if he had any further business to present to the Assembly.

Upon motion of Mr. Henderson, duly seconded and carried, Mr. Speaker appointed a committee, consisting of Miss Towle, Messrs. Yeager and Tandy, to notify the Senate that the Assembly was about to adjourn.

The committee appointed to wait upon the Governor reported that it had delivered the message to the Governor, and the Governor stated he had nothing further to bring before the Assembly.

The report was received, and the committee discharged with thanks.

The committee appointed to notify the Senate reported it had performed its duty, and that the Senate had concluded its labors and was ready to adjourn.

The report was received, and the committee discharged with thanks.

On motion of Mr. Henderson, duly seconded, the hour of adjournment having arrived, in compliance with resolution previously adopted, the Thirty-first Session of the Assembly of the Legislature of the State of Nevada adjourned *sine die*, at 11:58 p. m. March 15, 1923.

Approved:

JAMES M. LOCKHART,

*Speaker of the Assembly.*

Attest: J. H. CAUSTEN,

*Chief Clerk of the Assembly.*



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<i>Name</i>	<i>Official Position</i>	<i>County</i>
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Meriardo, Vincent.....	Assistant Chief Clerk.....	Eureka
Lockwood, Stanley.....	Sergeant-at-Arms .....	Churchill
Collins, James.....	Assistant Sergeant-at-Arms .....	Clark
Littlefield, Muriel.....	Minute Clerk .....	Elko
Holland, Edith.....	Assistant Minute Clerk.....	Lincoln
Whitacre, Walter.....	Journal Clerk .....	Lyon
Clark, Mildred.....	Assistant Journal Clerk.....	Esmeralda
Smith, Irene.....	Engrossing Clerk .....	Nye
Crisler, Clara.....	Enrolling Clerk .....	White Pine
Steinbach, Minnie.....	Assistant Enrolling Clerk.....	Washoe
Borrage, Louise.....	Committee Clerk .....	Lander
Ryan, Eva.....	Stenographer .....	Washoe
Gale, Lena.....	Bill Clerk .....	Douglas
Smoot, Maxine.....	Mailing Clerk .....	Ormsby
Rich, Harlan.....	Page .....	Ormsby
Noteware, Norman.....	Page .....	Ormsby
Martin, Sam.....	Porter .....	Ormsby