INITIATIVE PETITION

ASSEMBLY BILL NO. 1

INTRODUCED BY INITIATIVE PETITION January 18, 1917

Initiative Petition filed in the office of the Secretary of State of the State of Nevada, December 15, 1916, and subscribed by 7,802 qualified electors of the State of Nevada, said number being more than ten per centum of the qualified electors of the State of Ne-

January 18,1917-Rules suspended, reading January 18,1917—Rules suspended, reading so far had considered first reading, rules further suspended, read second time by title, and referred to Committee on Judiciary.

January 30, 1917—The Committee on Engrossment hereby certifies that bound copy of Assembly Bill No. 1 hereto attached is a correct copy of the triplicate thereof in its ALEX L. TANNAHILL,

Chairman of Engrossment Committee.

January 31, 1917—Reported back from Committee on Judiciary unfavorably, for the reason that it is the opinion of Judiciary Committee that the people of the State of Nevada should vote directly on this issue.

January 31, 1917—Bules suspended, bill engrossed, placed on third reading and final passage, and lost by the following vote: Yeas 5, nays 31, absent 1.

Yeas 5, nays 31, absent 1. Transmitted to the Secretary of State January 31, 1917.

H. W. EDWARDS,

Sent to Senate February 5, 1917.
Rejected by Senate February 5, 1917. Rejected by Senate February 8, 1917. (Extract from Senate Journal, Twenty-Eighth Session, Twenty-fifth Day, Thursday, February 8, 1917, page 63 of printed book.)

"An Act to prohibit the manufacture, sale, keeping for sale, and gift, of malt, vinous and spiritous 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."

The People of the State of Nevada do enact as follows:

SECTION 1. The word "liquors" as used in this act shall be construed to embrace all malt, vinous or spirituous liquors, wine, porter, ale, beer or any other intoxicating drink, mixture or preparation of like nature; and all malt or brewed drinks, whether intoxicating or not, shall be deemed mait liquors within the meanshall be deemed mait inquors within the meaning of this act; and all liquids, mixtures or preparations, whether patented or not, which will produce intoxication, and all beverages containing so much as one-half of one per centum of slcohol by volume, shall be deemed spirituous liquors, and all shall be embraced in the word "liquors," as hereinafter used in this

SEC. 2. Except as hereinafter provided, the manufacture, sale, keeping or storing for sale in this state, or offering or exposing for sale of of liquors or absinthe or any drink compounded with absinthe are forever prohibited in this state, except liquors manufactured prior to July first, one thousand nine hundred and sixteen, and stored in United States bonded ware-houses in the custody of the United States collector of internal revenue, and the said liquors when tax paid and in transit from such ware-

SEO. 3. Except as hereinafter provided, if any person acting for himself, or for, or through another, shall manufacture or sell or keep, store offer or expose for sale; or solicit or receive orders for any liquors, or absinthe or any drink compounded with absinthe, he the first offense hereunder, and upon conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned in the county jail not less than two nor more than twelve months, and upon conviction of the same person for the second offense under this act, he shall be guilty of a felony and be confined in the peni-tentiary not less than one nor more than five years; and it shall be the duty of the prosecuting attorney in all cases to ascertain whether or not the charge made is the first or second offense; and if it be a second offense, it shall be so stated in the information or indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of said second offense, and shall not be permitted to use his discretion in charging said second offense, or in introducing evi dence and proving the same on the trial; and any person, except a common carrier, who shall act as the agent or employee of such manufacturer or such seller, or person so keeping, storing, offering or exposing for sale said liquors, or act as the agent or employee of the purchaer of such liquors, shall be deemed guilty of such manufacturing or selling, keeping, storing, offering or exposing for sale, as the case may be; and in case of a sale in which a shipment or delivery of such liquors is made by a common, or other carrier, the sale thereof shall be deemed to be made in the county wherein the delivery thereof is made by such carrier to the consignee, his agent or employee.

As information, indictment or criminal com-

plaint for an offense committed under the provisions of this section, shall be sufficient which shall charge in substance and effect that within one year last past, the defendant, in and expose for sale, and solicit and receive orders for liquors and absinthe, and drink compounded with absinthe, against the peace and dignity of the State of Nevada.

SEC. 4. The provisions of this act shall not

be construed to prevent any one from manufacturing, for his own domestic consumption wine or cider; or to prevent the manufacture from fruit grown exclusively within the state of vinegar and nonintoxicating cider for use or sale; or to prevent the manufacture and sale at wholesale to druggists only of pure grain alcohol for medicinal, pharmaceutical, scientific and mechanical purposes, or wine for sacramental purposes by religious bodies; or to prevent the sale and keeping and storing druggists of pure grain alcohol for mechanical, pharmaceutical, medicinal and scientific purposes, or of wine for sacramental purposes, by religious bodies, or any United purposes, by religious bodies, or any United States pharmacopoeia or national formulary preparation in conformity with the Nevada pharmacy law, or any preparation which is exempted by the provisions of the national pure food law, and the sale of which does not require the payment of a United States liquor dealer's tax. But no druggist shall sell any such grain alcohol except for medicinal, scientific, pharmaceutical and mechanical purposes, or wine for sacramental purposes, except as hereinafter provided, and the same shall not be sold by such druggist for medicinal purposes, except upon a written prescription of a physician of good standing in his profession and not of intemperate habits, or addicted to to the u-e of any narcotic drug, prescribing the amount of alcohol, the disease or melady for which it is prescribed, and how it is to be used, the name of the person for whom prescribed, the number of previous prescriptions given by such physician to such person within the year next preceding the date of such pre-scription, and stating that the same is absolutely necessary for medicine, and not to be used as a beverage, and that such physician, at the time such prescription was given, made a personal examination of such person, and that such person is known to such physician to be of temperate habits and not addicted to the use of any narcotic drug, and only one sale

shall be made upon such prescription, and such prescription shall be at all times kept on file by such druggist and open to the inspection of all state, county and municipal officers. It shall be the duty of such druggist to register in a book kept for that purpose all prescriptions from physicians mentioned in this section, stating the name of the party for whom prescribed, the date of the prescription, name of the physician by whom the prescripname of the physician by whom the prescrip-tion is issued, the quantity of such alcohol and the use for which prescribed, and such record shall at all times be open to the same inspec-

tion as such prescriptions. It shall be lawful for a druggist to sell grain lcohol for pharmaceutical, scientific and mechanical purposes, or wine for sacramental purposes by religious bodies, only to any person, not a minor, and who is not of intemperate habits, or addicted to the use of narcotic drugs, who shall, at the time and place of such sale, make an affidavit in writing signed by himself before such druggist or a registered pharmacist at the time and place in the em-ploy of such druggist, stating the quantity and the time and place and fully for what purpose and by whom such alcohol or wine is to used; that affiant is not of intemperate habits or addicted to the use of any narcotic drug; and that such alcohol or wine is not to be used as a beverage, or for any purpose other than that stated in such affidavit. Such affidavit shall be filed and preserved by such druggist and be subject to inspection at all times by and be subject to inspection at all times of any state, county or municipal officer, and a record thereof made by such druggist in the record book mentioned in this section, showing the date of the affidavit, by whom made, the quantity of such alcohol, or wine, and when, where, for what purpose and by whom to be used. Only one sale shall be made upon the different and only in the county where such affidavit, and only in the county where the same is made, and no greater quantity than is therein specified. For the purpose of this act, any druggist or registered pharmacist making such sale shall have authority to ad-

minister such oath.

If any druggist, owner of a drug store, registered pharmacist, clerk, or employee shall upon such prescription or affidavit, or otherwise, knowingly sell or give any such alcohol or wine to any person who is of intemperate habits or addicted to the use of any narcotic drug, or knowingly sell or give the same to any one to be used for any purpose other than liquors, and other intoxicating that named in said attidavit or prescription, or who shall sell or give away any liquors without such affidavit or prescription, he shall be deemed guilty of a misdemeanor and punished by tine of not less than one hundred nor more than one thousand dollars and confined in the county jail not less than thirty days nor more than twelve months. In any prosecution against a druggist, owner of a drug store, registered pharmacist, clerk or employee, for sed ing or giving liquor contrary to law, if a sale or gitt be proven, it shall be presumed that the same was unlawful in the absence of satisfactory proof to the contrary and the presentation of such prescription or affidavit by the detendant at the time of the trial for such sale or gitt, shall be sufficient to reout the presumption arising from the proof of such sale or gift. Provided, the jury shall believe, from the evidence in the case, that such sale or gift was made in good faith under the belief that such prescription or athdavit and state ments therein were true; and, provided further, that such druggist, owner of a drug store registere . pharmacist, clerk or employee shall have complied with all other provisions of this act relating to the sale or gift.

An information, indictment, or criminal complaint against any druggist, registered pharmacist, clerk or employee for an offense committed under the provisions of this section, shall be sufficient, which shall charge in substance and effect, that the desendant, within one year last past, in said county of

....., did unlawfully sell, give, offer, expose, keep, and store for sale and bitt, liquors, against the peace and dignity of the State of

SEC. 5. If any person who is of, intemperate habits or addicted to the use of any narcotic drug shall make the attidavit mentioned in the preceding section, or it any person making such affidavit shall use as a beverage, or for any purpose, or at any place other than that stated in such affidavit, or shall knowingly permit another to do so, said alcohol or wine, or any part thereof, or shall knowingly make any false statement in such affidavit, he shall be guirty of a misdemeanor and upon conviction be punished by a fine of not less than one hundred nor more than one thousand dollars, and be confined in the county jail not less than two nor more than twelve months for the arst offense hereunder; and for the second offense he shall be deemed guilty of a felony and punished by confinement in penitentiary not less than one nor more than five years.

If any physician who is not in good stand-ing in his profession or who is of intemperate habits, or who is addicted to the use of any narcotic drug, shall issue any such prescription as is mentioned in the last preceding section; or if any physician shall issue such prescription without, at the time, making a peral examination of the person for whom the liquor is prescribed, or shall prescribe for any person who is in the habit of drinking to in-toxication and whom he knows, or has reason to believe is in the habit of drinking to intoxication or shall give such prescription and make the statements therein required, or any part thereof, falsely, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars and imprisoned in the county jail not less than thirty days nor more than twelve months, and in ad-

any liquor is received or kept for the purpose of use, gift, barter or sold as a beverage, or for distribution or division among the mem-bers of any club or association by any means whatsoever; and every person who shall use, barter, sell or give away, or assist or abet in bartering, selling or giving away any liquors so received or kept, shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by fine of not less than one hundred nor more than one thousand dollars and by imprisonment in the county jail not less toan thirty days nor more than twelve months; and in all cases the members, shareholders or sociates in any club or association meutioned in this section, shall be competent witness to prove any violations of the provisions of this section, or of this act, or of any fact tending thereto; and no person shall be excused from thereto; and no person shall be excused from testifying as to any offense committed by another sgainst any of the provisions of this act by reason of his testimony tending to criminate himself, but the testimony given by such person shall in no case be used against

SEC. 7. It shall be unlawful for any person to keep or have for personal use or otherwise, or to use, or permit another to have, keep or use, intoxicating liquous at any restaurant, store, office buildcating liquors at any restaurant, store, office building, cub, place where soft drinks are sold (except a drug store may have and sell alcohol and wine as provided by sections four and twenty-four), fruit-stand, news stand, room or place where bowing siteys, bi liard or pool tables are maintained, livery stables, public building, park, road. street or alley. It shall be unlawful for any person to give or furnish to another intoxicating liquors. Any one violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dellars, nor more than one thousand dollars, and be imprisoned in the county jail not less than two nor more than twelve months; provided, that no common carrier, for hire, nor any other person, nor more than twelve months; provided, that no common carrier. for hire, n.r any other person, for hire or without hire, shall brink or carry into this state, or carry from one pace to another within the state intoxicating liquors for another, even when intended for personal use; except a common carrier may, for hire, carry pure grain alcoholand wine, and such preparations as may be sold by druggists for the special purposes and in the manner as set fourth in sections four and twenty-four; and, provided, further, however, that in case of search and seizure, the finding of any liquors shall be prima facile evidence that the same are being kept and stored for unlawful purposes.

SEC. S. If any person shall advertise or give no-

tice by signs, bill-boards, newspapers, periodicals, or otherwise for himself or another of the sale or keeping for sale of liquors, or shall circulate or distribute any price-lists, circulars or order blanks advertising liquors or publish any newspaper, magazine, periodical, or other written or printed papers, in which such advertisement or notices are given, or shall permit any such notices, or any advertisement of liquors (including bill boards) to be posted upon his premises, or premises under his control, or shall permit the same to so remain upon such premises, he shall be guilty of a misdemeanor and be fined not less than one hundred nor more than one thousand dollars.

demeanor and be fined not less than one hundred nor more than one thousand dollars.

SEC. 9. Every justice of the peace and every district court, or the judges thereof in vacation, upon information made under oath or examination that any person is manufacturing, selling, offering, or exposing, keeping or storing for sale of barter, contrary to isw, any inquors, or that the affiant has cause to believe and does believe that such inquors so manufactured, sold, onered, kept or stored for sale or barter in any house, building, or other place named therein, contrary to the provisions in this act, shall issue a warrant requiring the person suspected to be brought before him for or other place named therein, contrary to the provisions in this act, shall issue a warrant requiring the person suspected to be brought before him for examination, or the said house, building, or other place to be searched, and the parties found therein to be arrested and brought before him as aforesaid; and requiring the officer to whom it is directed to summon such witnesses as shall be therein named, or whose names are endorsed therein to appear and give evidence on the examination, and in the same warrant shall require the officer to whom it is directed to seize and hold all liquors found therein, also vessels, bar fixtures, serveens, glasses, bottics, jugs, and other appurtenances apparently used in the sale, Reeping, or storing of such liquors contrary to law.

SEC. 10. If, upon examination of such person, is shall appear to such justice, court or judge, that there is probable cause to believe him guilty of the offense charged, the accused shall be required to enter into recognizance, with sufficient securities, in the sum of not less than five hundred dollars, to appear before the district court of the county having jurisdiction to answer an indictment if one be preferred against him; and upon his failure to enter into such recognizance, the justice, court or judge shall commit him to jail to

on his failure to enter into such recognizance, the justice, court or judge shall commit nim to jail to answer such indictment. All material winesses shall also be recognized with or without sureties, as such justice, court or judge may deem proper, to appear before the district court and give evidence against the accused, and such justice, court or judge shall require the accused to give bond with sumcient security in the sum of five hundred dollars conditioned that he will not violate any of the provisions of this act during the time intervening between the date of such bond and the date set for his appearance before said district court of the county; and upon his failure to give such bond, the justice, court or judge shall commit him to jail until such bond is given or until he is discharged therefrom by the district court of the county.

SEC. 11. Whenever liquors shall be seized in SEC. 11. Whenever liquors shall be seized in any room, building or place which has been searched under the provisions of this act, the finding of such liquors in such foom or of a government license therein shall be prims facts evidence of the uniawful seiling, and keeping and storing for sale of the same by the person, or persons, occupying such premises, or by any person named in any government license posted in such room, or his ussociates, agents or employees thereunder, and the promises where such liquor was found, or whe is so hamed in such government license, and his associates, shall be subject to trial by due process of associates, shall be subject to trial by due process of associates, shall be subject to trial by due process of associates, shall be subject to trial by due process of associates, shall be subject to trial by due process of associates, shall be subject to trial of the color this act, and upon his conviction of saing, other ing, storing, or exposing for sain such liquor qualswfully, the liquor found upon said premises shall at once be publicly destroyed by some responsible person to be appointed by the court.

SEC. 12 It in such house, building or place, as

sponsible person to be appointed by the court.

SEC. 12 It is such house, building or place, as is hereinbefore mentioned, the saie, offering, storing or expo.ing for sale of liquors is carried on clandestinely, or in such manner that the person so selling, offering, exposing, keeping or storing for saie, cannot be seen or identined by the officer or officers charges with the execution of a warrant issued under sections ten and eleven of this act, any such officer may, whenever it is necessary for the arrest or identification of the person se offending, or the sizing of such liquor, break open and enter such house, building or place.

SEC. 13. The payment of the special tax required of inquor dealers by the United States by any person, or persons other than druggists, within the state, shalt be prims facie evidence that such person, or persons other than druggists, within the state, shalt be the said of said in seeping and selling, offering and exposing for sale, siquors contrary to the laws of this state, and a certificate from the collector of internal revenue, his agents, clerks or deputies, showing the payment of such tax, and the name or names of persons to whom issued, and the name or names of persons to whom such tax, and depayment of such tax, and of the association of such payment of such tax, and the name or names of persons for the selling and keeping, offering and exposing for sale, liquors contrary to the law of this state, and a certificate from the collector of internal revenue, his sgents, clerks or deputies, showing the payment of such tax, and of the association of names of persons to whom issued, and the name or names of persons to whom issued, and the name of the person to whom such tax seceipt is issued, shall be sufficient evidence of the payment of such tax, and of the person for the selling and exposing for the selling and dependent of the payment of such tax, and of the association of such persons for shall be summented to the payment of such tax, and of the association of such persons for the selling and keeping, offering and exposing for all of liquers contrary to the provisions of this act in all trials or legal inquiries.

BEC. 14. All houses, buildings, club rooms and places of every description, includit g drug stores where interviewing liquers are manufactured.

places of every description, includi g drug stores where intoxicating liquors are manufactured, stored, sold or vended, given away, or furnished contrary to law (including those in which clubs, orders or associations sell, barter, give away, distribute or dispense intoxicating liquors to their members, by any neans or device whatever, as provided in section six of this act) shall be held, taken and deemed common and public nuisances. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guitty of a misdemeanor and upon conviction thersof shall be punished by a fine of not less than one hundred nor more than one thousand odthan one hundred nor more than one thousand dolless, and by imprisonment in the county jail not less than thirty days nor more than twelve months for each offense, and judgment shall be given that such house, building or other place, or any room

such nouse, building or other pace, or any room therein, be shated or closed up as a place for the sale or keeping of such liquors contrary to law, as the court may determine.

SEC. 15. The Superintendent of the Nevada State Police shall be ex officio State Ocumissioner of Prohibition. Wherever the word "commissioner" is used in this act, it shall mean and be taken to mean the State Commissioner of Prohibit. taken to mean the State Commissioner of Prohibi-

SEC. 16. It shall be the duty of the commissiondays nor more than twelve months, and in addition thereto, for the first offense under this statute, the court may, in its discretion, suspend the license of such physician for a period of six months and for each offense thereafter the court shall suspend such license for a period of the court shall suspend such license for a period of the court shall suspend such license for a period of the court shall suspend such license for a period of the court shall suspend such license for a period of the court shall suspend such license for a period of the court shall suspend such license for a period of the court shall suspend such license for a period of the court shall suspend such license for a period of the court shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner and, assist or abet in keeping or maintaining any club house, or other tace in which any liquor is received or kept for the purpose of the proper court or committing justice, and conduct the prosecution thereof in any court of the state affecting the manufacture, sale, keeping, exposing or offering for sale, or giving or solitosing or receiving orders for liquors, or laws on either make report thereof to the prose cuting attorney of the proper county who shall forthwith prosecute the same as provided by law, or said commissioner, hi agents or deputies, shall make complaint of any violations of any such takes before the proper court or committing justice, and conduct the prosecution thereof in any court in the state affecting the manufacture, sale, keeping, the state affecting the manufacture, sale, keeping of this state affecting the manufacture, sale, keeping, the state affecti in the state having jurisdiction of such matters; and for the purpose of enforcing such laws, the said commissioner, his agents and deputies, shall have all the powers now vested in the sheriffs, their deputies, and constables and police officers in the state. Provided, that nothing in this act shall be construed to take from or to relieve any of

in the state. Provided, that nothing in this act shall be construed to take from or to relieve any of the said officer from any duty imposed upon him by any statute of the state.

SEC. 17. The commissioner, his agents and deputies, and the attorney general, prosecuting attorney, or any citizen of the county where such a nuisance as is defined in section fourteen of this act exists, or is kept or maintained, may maintain a suit in equity in the name of the state to abate and perpetually enjoin the same, and courts of equity shall have jurisdiction thereof. The injunction shall be granted at the commencement of the action and no bond shall be required.

It shall not be necessary for the court to find that the premises involved were being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the bill are true, the court shall order that no liquors shall be sold, bartered, given away, districuted, dispensed or stored in such house, building, club room or other piace, nor in any part thereof, for a period of not to exceed one year in the discretion of the court from and after such finding, in case of a drug store; in other cases the order for abatement shall be perpetual.

Any person violating the terms of any injunction

store; In other cases the order for abatement shall be perpetual.

Any person violating the terms of any injunction granted in proceedings hereunder shall be punished for contempt summarily by the court without the impaneling of any jury to try the same, by a fine of not less than one hundred nor more than five hundre dollars, and by imprisodment in the county jail not less than thirty days nor more than six months, in the discretion of the court or judge thereof in vacation. In case decree is rendered in favor of the plaintiff in any action brought under the provisions of this section, the court e tering the same shall also enterdecree for a reasonable attorney's fee in such action in favor of the plaintiff against the defendants therein, which attorney's fee shall be taxed and collection. in, which attorney's fee shall be taxed and collected as other costs therein, and when collected paid to the attorney, or attorneys of the plaintiff there-

SEC. 18. In addition to the penalties prescribed SEC. 18. In addition to the penalties prescribed for violation of any of the provisions of sections two to sixteen, inclusive, of this act, the court may in its decretion when such conviction is had, require the defendant to execute bond with good security to be approved by the court or clerk thereof, in the penalty of one thousand dollars, conditioned not to violate any of the provisions of any of said sections for the term of two years, and in default of such bond may commit the defendant to iall for said term of two years, luces such bond to jail for said term of two years, unless such i

SEC. 19. All express companies, railroad companies and transportation companies within this state are hereby required to keep books in which shall be entered immediately upon recipt thereof the name of every person to whom liquors are shipped; the amount and kind received; the date when delivered, and by whom, and to whom delivered after which record shall be a blank space, in which the consignee shall be required to sign his name in person to such record, which book shall be open to the inspection of any state, county or municipal officer of this state, at any time during business hours of the company; except that in the absence or sickness of a duly licensed druggist, having authority to sel pure grain alcohol and wine for the purposes prescribed by law, a registered pharmacist in the employ of such druggist, duly designated by such druggist, in writing personally signeed by nime, to the agent of the transportation company, may sign such druggist; personally signed by him, to the agent of the trans-portation company, may sign such druggist's name to the record of shipments of alcohol for medicinal, pharmaceutical, scientific and mechan-ical purposes, or wine for sacramental purposes by religious bodies, such registered pharmacist being requised to write immediately beneath such drug-gist's name his own name and his connection with required to write insome and his connection with gist's name his own name and his connection with such druggist. Such books shall constitute prima facie evidence of the facts therein stated, and be admissable as evidence in any court in this state having jurisdiction, or in any manner empowered with the enforcement of the provisions of this set. Any employee or agent of any express, railroad company or transportation company knowingly failing or retusing to comply with the provision of this section, shall be guilty of a misdemeanor and punished by a fine of not less than fifty nor more than one thousand dollars, and may be improved. more than one thousand dollars, and may be imprisoned in the county jail not less than thirty days nor more than twelve months. Provided however, that nothing herein contained shall per mit, or be construed as permitting or authorizing any common carrier or transportation company to any common carrier or transportation company to bring or carry into this state, or carry from one piace to another within the state, intoxicating liquors for another, even when intended for per-sonal use, other than pure grain alcohol and wine, and such preparations for uruggists as may be sold by them for special purposes and the manner set forth in-sections four and twenty-tour. Sec. 20. Any citizen or organization within this state may employ an aftorney to assist the prose-cuti g attorney to perform his duties under this act, and such attorney shall be recognized by the prosecuting attorn y and the court as associate

prosecuting attorn y and the court as associate coursel in the proceeding; and no prosecution shall be alsmissed over the objection of such associate coun el until the reasons of such prosecuting attorney for such dismissal, together with the objections thereof of such associate counsel, shall have been filed in writing, argued by counsel and tally counterly the court of the counsel and tally counterly are the counsel.

have been filed in writing, argued by counsel and fully considered by the court.

8EC. 21. The prosecuting attorney of any county, with the approval of the governor, or of the court of the county vested with authority to try criminal offenses, or of the judge thereof in vacation, may, within his discretion, offer rewards for the appreciation of persons charged with crime, or may expend money for the detection of crime. Any money expended under this section shall, when approved by the prosecuting atterney, be paid out of the county fund in the same manner as other county expenses are paid.

paid out of the county fund in the same manner as other county expenses are paid.

8sc. 22. In all cases arising under this statute she state -hall have the right to appeal.

Ssc. 23. The entire act shall be deemed an exer cise of the police powers of the state for the protection of public health, peace and morals, and all of its provisions shall be liberally construed for the attainment of that purpose.

Ssc. 24. All acts and part of acts, so far as in conflict with this act, are hereby repealed.

SEC. 24. All acts and part of acts, so far as confict with this act, are hereby repealed.

SEC. 25. If any corporation or association shall violate any of the provisions of this act, any officer, agent, or employee thereof acting for it in any such unlawful act, or authorizing the same to be done, shall be personally guilty thereof the same as though such officer, agent, or employee himself had committed the offense, and shall be subject. to all of the nnes, penalties, and imprisonmen bec. 26. If any state, county, district or muni

cipal officer, or any municipal police, shall fail, refuse or neglect to discharge any duty imposed upon him by law, pronibiting the manufacture, sale, keeping and storing for sale of intoxicating induors, he shall be removed from office in the manner provided in this section. Such removas shall be made by the district court of the county wherein such officer resides. The charges against any such others shall be reduced to writing, and any such officer shall be reduced to writing, and entered of record by the court, and a summons shall thereupon be issued by the clerk of such court, containing a copy of the charges, and requiring the officer named therein to appear and answer the same as in other civil actions, which thereof. And the court itself shall, without a jury, hear the charges, and upen satisfactory proof thereof, remove any such officer from the discharge of the duties of his office, and place the records, papers and property of his office in the possession of some other officer or person for safekeeping until the vacancy is filled. Any vacancy created under this section shall be filled in the manner resourced by law as to country and district officers. der this section shall be filled in the manner required by law as to county and ofstrict officers, and in the manner prescribed by the ordinances of the municipality. Any citizen of the county, district or municipality, as the case may be, or the commissioner of probition, may prefer and prosecute to final judgment charges for removal a, ainst any of the "officers, including municipal police, mentioned in this section. The word "officer," as used herein, shall include and embrace muni-

as used herein, shall include and embrace muni-cipal police. Either party shall have the right of appeal to the supreme court of the state from the judgment of the district court. SEC. 27. Whenever it shall appear to any dis-trict court before which is pending any charge for an offense under this act, that the state cannot have a fair and impartial trial by jury in the county where such action is pending, the court county where such action is pending, the court shall enter an order to that effect, and shall order that such cause be transferred to some other dis-tret court in this state to be selected by the judge ordering such transfer; and the trial of such cause shall proceed before the court to which it is so transferred the same as is now provided in cases of

shall proceed before the court to which it is so change of venue.

SEC. 28. Justices of the peace shall have concurrent jurisdiction with the district court for the trial of first offenses arising under this act; provided, that the district attorney or the commissioner, or any of his depaties, shall have the right before trial to elect whether the case shall be tried and judgement entered, or whether the justice shall hold a preliminary hearing to determine whether the accused shall be held to the district court; provid-d, further, that if he detendant shall plead guilty, the justice shall enter judgment on the charge. Justices of the peace shall not impose a fine greater than five hundred dollars not imprisonment in the county jail longer than six months. The justice shall certify to the district attorney a transcript from his docket of the judgment in the case and a copy of all bonds given by the defendant. Whenever the district attorney shall appear for the state in any prosecution be fore a justice's court for an offense under this act, there shall be allowed and taxed as a part of the costs taxable against the defendant, an attorney's fee of ten dollars. The gtate shall have the same right as the defendant to an appeal from the ide.

there shall be allowed and taxed as a part of the costs taxable against the defendant, an attorney's fee of ten dollars. The state shall have the same right as the defendant to an appeal from the judgment of the justice. Any transcript of a judgment, so certified by a justice of the peace shall be admissible evidence upon the trial of the accused for a second offense under this act.

BEC 29. Any person called on behalf of the state to testify concerning any violations of this act, who shall give freely and truthfully any testimony tending in any way to incriminate himself, shall be immune from prosecution under this act.

BEC 30. It shall be unlawful for any person in this state to receive, directly or indirectly intonicating liquors from a common, or other carrier. It shall also be unlawful for any person in this state to possess intoxicating liquors, received directly or indirectly from a common, or other carrier in this state. This section shall apply to such liquors intended for personal use, as well as otherwise, and no interstate, as well as intrastate, shipments or carriage. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, and in addition thereto may be imprisoned in the conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, and in addition thereto may be imprisoned in the county jail not more than twelve months; pro-vided, however, that druggists may receive and possess pure grain alcohol, wine and such prepar-ations as may be sold by druggists for the special purpose and in the manner as set forth in section four.

I, R. McCbarles, the duly elected, qualified and acting County Clerk of the County of Eureka, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the original as certified to me by the Secretary of State.

R. McCHARLES, County Clerk.

To be published October 5, 191s, October 12, 1918, October 26, 1918.

Classified Advertisements

LOST-A leather suit case was recently loss while on a trip from Huntingtou Valley through Newark Valley by Manuel Oscoz. It contained clothing and papers valuable only to the owner. A reward of ten dollars will be paid for its return to the Eureka Cash Store at Eureka, Nevada.

> ROOM AND BOARD HOME COTTAGE MRS. N. J. BROSSEMER

Spring Street - - - Eureka

PROFESSIONAL CARDS.

EDNA C. PLUMMER

Attorney at Law

Office in Courthouse

W. R. REYNOLDS

Attorney and Counselor at Law Eureka, Nevada Office, Hjul Building, Opposite Brown Hotel.

Beaufic Lodge No. 7, K. of P.

Meets every Tuesday evening at its Castle Hall on North Main street, at 7 o'clock from October 1 to March 31, and at 7:30 clock from April 1 to September 30. All Brother Knights in good standing are fraternally invited to attend.

J. B. VENTURINO, C. C. Attest: D. E. NOSTROSA K. of R. & S.

Stockgrowers and Ranchers' Bank

OF RENO, NEVADA

Capital, (fully paid) \$100,000.00

We transact a general banking

Allow interest on savings deposits at the rate of 4% per annum.

We solicityour business.

Notice to Creditors

Notice is hereby given that the undersigned has been duly appointed and qualified by the Third Judicial District Court of the State of Nevada in and for the County of Eureka, administrator of the estate of Michael P. Mur-

phy, deceased, late of said County.
All creditors having claims against said estate are required to file the same, with the proper vouchers attached, with the Clerk of the Court, within forty days of the first day of publication of this notice.

Dated Eureka, Nevada, August 30, 1918.

BEN REPETTO, Administrator.

Edna Covert Plummer, Attorney. First publication Aug. 31, 1918.

Fishing and Hunting Notice

Notice is hereby given that all persons in Eureka County are warned against killing game or fishing out of sesson, or fishing or hunting in Eureka County without a license The new Fish and Game law makes it the

duty of the Deputy County Fish and Game Warden to enforce and cause the prosecution of any violation of the Act, and as such officer I give public notice that no favoritism will MARTIN MAHONEY,

Deputy Fish and Eureka, Nevada, May 12, 1917.

General Draving

Having purchased the draying business in Eureka of R. A. Laird, I am now prepared to do all kinds of hauling at reasonable rates. Wood, Coal and Hay for sale in large or, small quantities, delivered in any part of Eureka. Leave orders at Eureka Garage.

JULIUS MINOLETTI.

Notice to Hunters

The new "Migratory Bird Treaty Act and Regulations," provides that the open season for water fowl (except wood duck, eider ducks and swan) in Nevada is from September 16 to December 31, both dates included. The shooting may begin one-half hour before seunrise and closes at sunset.

Doves, both mourning and white-winged, are also included in the M gratory Bird Treaty Act, and the open season is from the 1st day of September to December 15, both dates in

M. MAHONEY, Deputy Fish and Game Warden

Notice to Travelers

The Board of Commissioners of Eureka County give notice to all travelers that the County Road from the sign board in Diamond Valley, about 17 miles north of Eureka, to Mt. Hope and Alpha, has been closed until further notice.

This action is taken to permit the building of a new bridge close to Tyron Station, better known as Garden Pass.

R. J. REID, Commissioner. Eureka, Nevada, Sept. 19,

for sale at the SENTINEL office.

WATER NOTICE

Notice of Application for Permission to propriate the Public Waters of the State of Nevada Application No. 5159.

Application No. 5159.

Notice is hereby given that on the 18th of July, 1918, in accordance with Section Chapter 140, of the Statutes of 1918, of Clement Maggini, of Eureka, County of Preka, and State of Nevada, made applicate to the State Engineer of Nevada for permission to appropriate the public waters of State of Nevada. Such appropriation is the made from Monroe Spring No. 1, which is the made from Monroe Spring No. 1, who State of Nevada. Such appropriation is be made from Monroe Spring No. 1, whi when surveyed will be in NW2 of SE4, St 13, T. 22 N., K. 54 E., M. D. B. & M., at point near the spring in SE2 of SE4, Sec. 1. T. 22 N., R. 54 E., M. D. B. & M., by mea of development, and three-tenths cubic fiper second is to be conveyed to SE2 of SE Sec. 13, T. 22 N., R. 54 E., M. D. B. & A by means of pipes, and troughs, and the used for stock watering purposes. Water it to be returned to stream.

Signed:

SEYMOUR CASE, State Engineer

Date of first publication Sept. 28, 1918. Date of last publication Oct. 26, 1918.

Water Notice

Notice of Application for Permission to A propriate the Public Waters of the State of Nevada Application No. 5160.

Notice is hereby given that on the 18th de of July, 1918, in accordance with Section F. Chapter 140, of the Statutes of 1913, of Clement Maggini, of Eureka, County of E. teka, and State of Nevada, made application the state Engineer of Nevada for permi sion to appropriate the public waters of the State of Nevada. Such appropriation is to made from Unnamed Spring, (Maggini No. Unsurveyed ground, which when survey will be included in NEt of SEt, Sec. 12, 22 N., R. 04 E., M. B. D. & M., at a poil near the sp. ing in NEt of SEt, Sec. 12, 1.
N., R. 54 E., M. D. B. & M., by means development, and three-tenths cubic feet p second is to be conveyed to approximate NE₂ of SE₂, Sec. 12, T. 22 N., K. 54 E., A D. B. & M., by means of pipes, and trough and there used for stock watering purpose water not to be returned to strong Water not to be returned to stream SEYMOUR CASE,

Date of first publication Sept. 28, 1918. Date of last publication Oct. 26, 1918.

WAIER NUILLE

Notice of Application for Permission to A propriate the Public Waters of the State of Nevada Application No. 5250.

Arotice is hereby given that on the 20th da of September, 1918, in accordance with Se tion 39, Chapter 140, of the Statutes of 191 one Clement Maggini, of Eureka, County cureka, and State of Nevaus, made applic tion to the State Engineer of Nevada for pe mission to appropriate the public waters the State of Nevada. Such appropriation to be made from Monroe Spring No. 2, unsu veyed ground, which when surveyed with be NEt of NWt, Sec. 24, T. 22 N., K. 54 E., M. D. B. & M., at a point near the spring in Nt of NWt, Sec. 24, I. 22 N., K. 54 E., M. I B. & A., by means of developmen, and thre tenths cubic foot per second is to be convey to approximately NE 1-4 NW 1-4, Sec. 24, 22 N., 16. 04 E., M. D. B. & M., unsurveye by means of pipes, and troughs, and the used for stock watering purposes. Water in to be returned to stream.
Signed: SEY MOUR CASE, State Enginee

Date of first publication Sept. 28, 1918. Date of last publication Oct. 26, 1918.

Water Notice

Notice of Application for Permission to Ap propriate the Public Waters of the State of Nevada Application No. 5251. Notice is hereby given that on the 20th da

of September, 1918, in accordance with tion 59, Chapter 140, of the Statutes of 1913 one Clement Maggini, of Eureka, County of Eureka, and State of Nevada, made applied tion to the State Engineer of Nevada for per mission to appropriate the public waters of th State of Nevada. Such appropriation is to be made from Unnamed Spring. (Maggin No. 2) unsurveyed ground, which when surveyed will be included in SE 1-4 SW 1-4, Sec 12, T, 22 N., R. 54 E., M. D. B. and M., at a point near the spring in SE 1-4 of SW 1-4 Sec. 12, T. 22 N., R. 54 E., M. D. B. and M. by means of development, and three-tenth cubic foot per second is to be conveyed to approximately SE 1-4 SW 1-4, Sec. 12, T. 22 N. R. 54 E., M. D. B. and M., unsurveyed, by means of pipes and troughs, and there used footook watering purposes. Water not to be returned to stream. State of Nevada. Such appropriation is t turned to stream

Signed: SEYMOUR CASE, State Engineer Date of first publication sept. 28, 1918.

Date of last publication Oct. 26, 1918.

Notice To the Public

Complaints have been made to this office and to the Board of County Commissioner against the permission and existence of certain nuisances within the town of Eureka and particularly on the ditch on Spring and Buel streets, and owing to the danger to head the property the trees of discovery at present thereby, the prevalence of diseases at present and the necessity of cleanliness as a preven tive therefor, and at the request of the Coun ty Commissioners-

Notice is hereby given that the dumping of throwing of garbage, rubbish, tin cans, etc. into, at or near the ditch on Buel and Spring streets, within the limits of the town of Eureka, is, under the laws of the Stete of Nevada, a public nuisance, and punishable as misdemeanor; and that any further offense of this kind will subject the person or persons so offending to prosecution, and to the payment of all costs and damages caused by such acts, including the costs of removing or abating such nuisance.

JAMES MACKEY,
Sheriff of Eureka County, Nevada.
Dated at Eureka, Nevada, this 11th day of January, 1918.

Muzzle Your Dog

Notice is hereby given that after Monday, December 10, 1917, all dogs running at large in Eureka County without muzzles on that will prevent them from biting any person, will be killed without further notice.

This action is taken at this time because of the known existence of rabies in this section, the head of a dog examined by the Nevada University this week having been pronounced rabid.

JAMES MACKEY, Sheriff of Eureka County, Nevada. Eureka, Nevada, December 8, 1917.

MINING TAX

ORE SAMPLE ENVELOPES
Strong, metal-clasped Manila Envelopes suitable for sending ore samples and small machinery parts through the mails, for sale at the Senting.

Assessor of Eureka County, Ney