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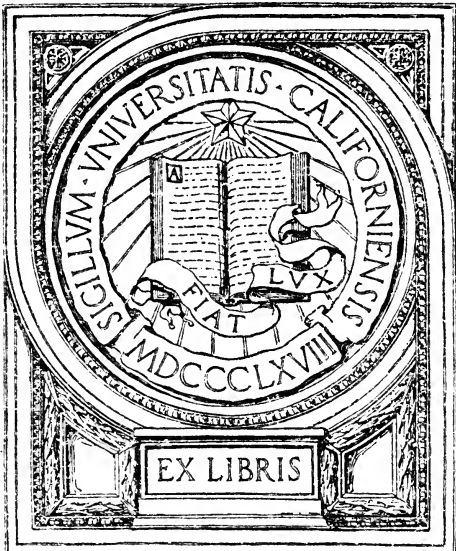
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STATE OF NEVADA

The School Law--1909

Compiled and Issued by the
Superintendent of Public Instruction
June, 1909

Printed at the
State Printing Office, Carson City
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1909

SCHOOL OFFICERS OF NEVADA, 1909.

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G. C. ROSS.....	Tonopah.....	Fifth District

A. M. C.

EXPLANATORY.

This compilation of the School Laws is made in compliance with the statute which provides that the State Superintendent of Public Instruction "shall prepare pamphlet copies of the School Law and all amendments thereto, and shall transmit a copy thereof to each School Trustee, School Marshal, and school teacher in the State."

The work is arranged by chapters, each chapter comprising an Act as it was passed by the State Legislature. The full title of each law is given, together with the date of approval and the page of the Statutes, for that year, on which it may be found. Amendments are embodied in the law with proper references as to date and page.

The attention of all school officers is called to the compulsory education law (Chapter XVII), and to the law regarding dependent children (Chapter XVIII).



Superintendent of Public Instruction.

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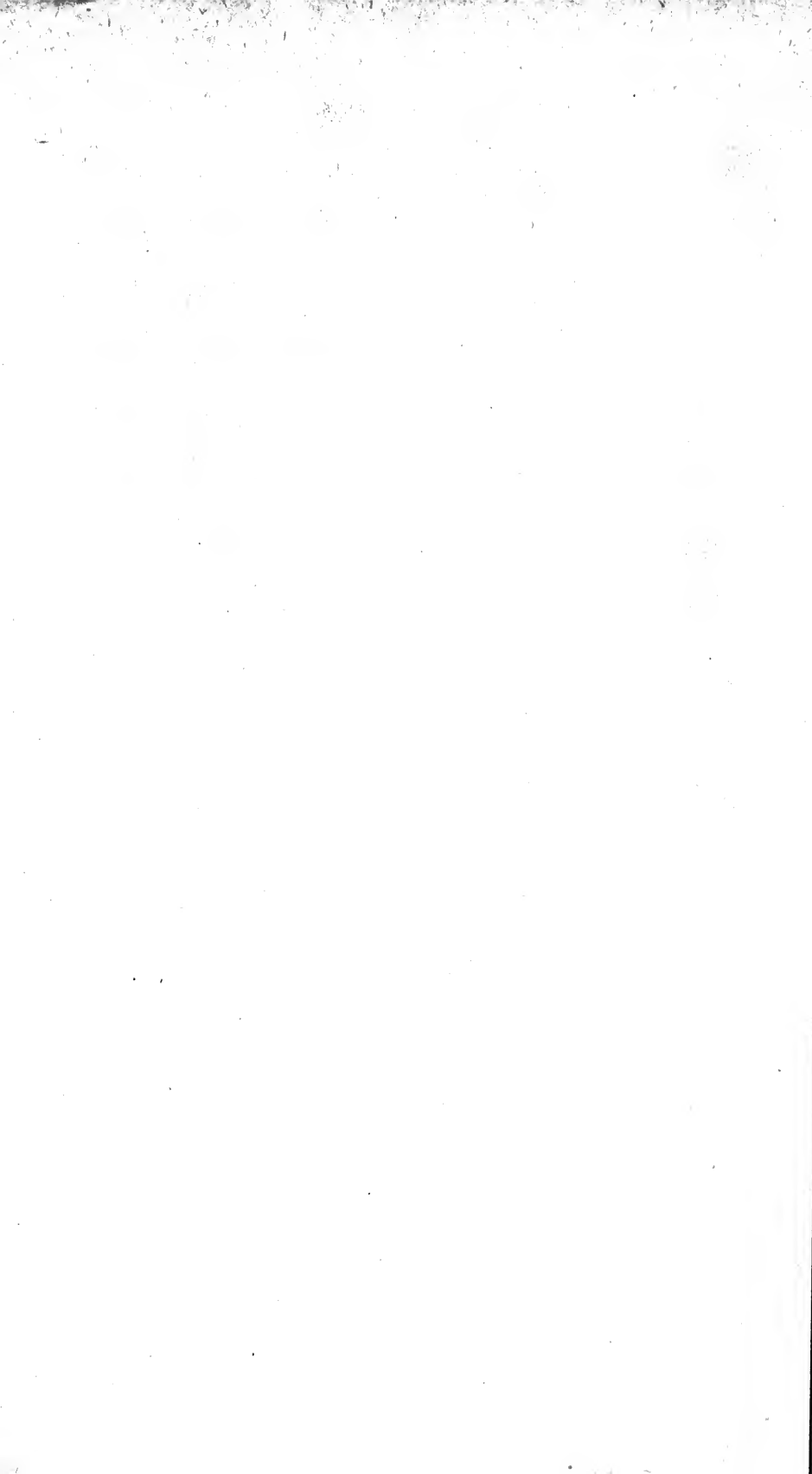
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CONSTITUTIONAL PROVISIONS.

ARTICLE XI.

EDUCATION.

Superintendent, When Elected—Term of Office.

SECTION 1. The Legislature shall encourage, by all suitable means, the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, and moral improvements; and also provide for the election by the people, at the general election, of a Superintendent of Public Instruction, whose term of office shall be two years from the first Monday of January, A. D. eighteen hundred and sixty-five, and until the election and qualification of his successor, and whose duties shall be prescribed by law.

System to be Uniform.

SEC. 2. The Legislature shall provide for a uniform system of common-schools, by which a school shall be established and maintained in each school district for at least six months in every year; and any school district neglecting to establish and maintain such a school, or which shall allow instruction of a sectarian character therein, may be deprived of its proportion of the interest of the Public School Fund during such neglect or infraction; and the Legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools.

Lands and Funds Pledged to Educational Purposes—Escheated Estates and Fines Pledged to Educational Purposes—Interest Only to be Used—May be Appropriated for State University.

SEC. 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 such per centum as may be granted by Congress on the sale of lands; all fines collected under

the penal laws of the State; 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 fund 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; *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 portions of said interest as may be necessary may be appropriated for the support of the State University. [As amended—Fifth Amendment.]

University.

SEC. 4. The Legislature shall provide for the establishment of a State University, which shall embrace departments for agriculture, mechanic arts, and mining, to be controlled by a Board of Regents, whose duties shall be prescribed by law.

Normal Schools.

SEC. 5. The Legislature shall have power to establish normal schools, and such different grades of schools, from the primary department to the University, as in their discretion they may deem necessary, and all professors in said University, or teachers in said schools, of whatever grade, shall be required to take and subscribe to the oath as prescribed in Article XV of this Constitution. No professor or teacher who fails to comply with the provisions of this section shall be entitled to receive any portion of the public moneys set apart for school purposes.

Special Tax Provided for Educational Purposes.

SEC. 6. The Legislature shall provide a special tax, which shall not exceed two mills on the dollar of all taxable property in the State, in addition to the other means provided for the support and maintenance of said University and common schools. [As amended—Sixth Amendment.]

Board of Regents.

SEC. 7. The Governor, Secretary of State, and Superintendent of Public Instruction shall, for the first four years, and until their successors are elected and qualified, constitute a Board of Regents, to control and manage the affairs of the University and the funds of the same, under such regulations as may be provided by law. But the Legislature shall, at its regular session next preceding the expiration of the term of office of said Board of Regents, provide for the election of a new Board of Regents, and define their duties.

Duties of Regents.

SEC. 8. The Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize

and maintain the said mining department in such manner as to make it the most effective and useful; *provided*, that all the proceeds of the public lands donated by Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for a college for the benefit of agriculture, the mechanic arts, and including military tactics, shall be invested by the said Board of Regents in a separate fund, to be appropriated exclusively for the benefit of the first-named departments of the University, as set forth in section four above; and the Legislature shall provide that, if through neglect or any other contingency, any portion of the fund so set apart shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund, so that the principal of said fund shall remain forever undiminished.

Sectarianism Prohibited.

SEC. 9. No sectarian instruction shall be imparted or tolerated in any school or university that may be established under this Constitution.

No Funds for Sectarian Purposes.

SEC. 10. No public funds of any kind or character whatever, State, county, or municipal, shall be used for sectarian purposes. [Added by Second Amendment.]



SCHOOL LAWS OF NEVADA.

STATE BOARD OF EDUCATION.

CHAPTER I—*An Act to define the constitution, organization, powers, and duties of the State Board of Education, and matters properly connected therewith.*

Approved March 16, 1895, p. 81.

State Board of Education.

SECTION 1. The State Board of Education shall consist of the Governor, the Superintendent of Public Instruction, and the President of the University.

Officers of Board.

SEC. 2. The Governor is the President, and the Superintendent of Public Instruction the Secretary of the Board.

Time of Meeting.

SEC. 3. The board shall meet at the call of the Secretary, but shall hold at least two meetings a year. [See also Chap. II, Sec. 2, eighth part.]

Powers and Duties of Board.

SEC. 4. The powers and duties of the board shall be as follows:

Third—To prescribe and cause to be adopted the course of study in the public schools.

Fourth—To recommend a list of books for district libraries.

Sixth—To revoke for immoral conduct, or evident unfitness for teaching, any State diploma or any State or county certificate.

Seventh—To have done by the State Printer any printing required by the board, such as the proceedings of the State Teachers' Institute, circulars of information to school officers or teachers, and blank forms.

Eighth—To adopt and use in authentication of its acts an official seal.

Ninth—To keep a record of its proceedings, which shall be published biennially in the report of the Superintendent of Public Instruction.

Eighteenth—All Acts and parts of Acts in conflict with this Act are hereby repealed.

[Portions omitted are superseded by the Statutes of 1907.]

SCHOOL ORGANIZATION.

CHAP. II—*An Act to provide for a reorganization of the system of school supervision and maintenance, to repeal all Acts and parts of Acts in conflict therewith, and matters properly connected therewith.*

Approved March 29, 1907, p. 379.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Election of Superintendent of Public Instruction.

SECTION 1. The Superintendent of Public Instruction shall be elected quadrennially by the qualified electors of the State at the same time and in the same manner as the Governor is elected and shall hold office for the term of four years from the first Monday in January next after the election, and until his successor is elected and qualified.

Duties of Said Officer—Visit Schools—Apportion School Fund—Apportion County Funds—Report Biennially—Rules—Teachers' Institutes—Meetings of State Board of Education—Appoint Trustees—Nominate Deputies—Printing.

SEC. 2. The Superintendent of Public Instruction shall have power and it shall be his duty:

First—To visit each county in the State at least once each year for the purpose of conducting teachers' institutes, visiting schools, consulting with school officers, and addressing public assemblies on subjects pertaining to the schools.

Second—To apportion the General School Fund among the several counties as provided in section ninety of this Act.

Third—To apportion the school funds of each county among its various districts as provided in section ninety-one of this Act.

Fourth—To report to the Governor biennially, on or before the first day of December of the years preceding the regular session of the Legislature. The Governor shall transmit said report to the Legislature; and whenever it is ordered published the State Printer shall deliver a sufficient number of copies to the Superintendent, who shall distribute the same among school officers of the State and of the United States. Said report shall contain a full statement of the condition of public instruction in the State; a statement of the condition and amount of all funds and property appropriated to the purpose of education; the number and grade of schools in each county; the number of children in each county between the ages of six and eighteen years of age; the number of such attending public schools; the number attending private schools; the number attending no schools; the number under six years of age; the number between eighteen and twenty-one years of age; the amount of public school moneys apportioned to each county; the amount of money raised by county taxation, district tax, subscription or otherwise, by any city, town, district, or county, for the support of schools therein; the amount of money raised for building schoolhouses; a statement of plans for the management and improvement of public schools; and such other information relative to the educational interests of the State as he may think of importance.

Fifth—To prescribe suitable rules and regulations for making all reports and conducting all necessary proceedings under this Act and to furnish suitable blank forms for the same; to cause the same, with such instructions as he shall deem necessary and proper for the organization and government of schools, to be transmitted to the local school officers, who shall be governed in accordance therewith. He shall prepare a convenient form of school register for the purpose of securing accurate returns from the teachers of public schools, and shall furnish each school district in the State with such registers. He shall prepare pamphlet copies of the school law and all amendments thereto, and shall transmit a copy thereof of each School Trustee, School Marshal, and school teacher in the State.

Sixth—To convene a State Teachers' Institute biennially in the even-numbered years in such place and at such time as he may deem advisable. It shall be his further duty to convene five District Teachers' Institutes in the various sections of the State biennially in the odd-numbered years in such places and at such times as he may deem advisable. He shall engage such institute lecturers and teachers as he shall deem advisable, and shall preside over and regulate the exercises of all State and District Institutes. No institute shall continue less than four nor more than ten days. The expense incurred in holding such institutes shall be paid out of the State General Fund; *provided*, that the amount for the State Institute shall not exceed two hundred dollars nor the amount of any one District Institute one hundred and fifty dollars, and the State Controller is hereby authorized and directed to draw his warrants for the same upon the order of the Superintendent of Public Instruction. All teachers shall be required to attend the District Institutes held in the supervision districts in which they may be teaching respectively, unless they shall be excused for good cause by the Superintendent of Public Instruction, and without loss of salary for the time thus employed.

Seventh—To call, with the approval of the Board of County Commissioners, a County Teachers' Institute in any county at such time and place as in his judgment will best subserve the educational interests of the county, and to preside over and regulate the exercises of the same. The expenses of such institute shall be paid out of the County General Fund of the county in which such institute is held; *provided*, that the Board of County Commissioners shall authorize such institute upon the application of the Superintendent of Public Instruction; *and provided*, that such expenses shall not exceed the sum of one hundred dollars. All teachers shall be required to attend any County Institute held in the counties in which they shall be teaching respectively, unless excused for good cause by the Superintendent of Public Instruction, and without loss of salary for the time thus employed.

Eighth—To call meetings of the State Board of Education in January and July of each year and at such other times as he shall deem proper or when two members of said board shall request a meeting.

Ninth—To appoint School Trustees in all districts in which the qualified voters fail to elect, and to fill by appointment all vacancies occurring in said office.

Tenth—To nominate Deputy Superintendents of Public Instruction for appointment by the State Board of Education.

Eleventh—To perform such other duties relative to the public schools as may be prescribed by law.

Twelfth—To have done at the State Printing Office any printing required under this Act.

Deliver Property.

SEC. 3. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver to his successor all property and effects belonging to his office and take a receipt for the same.

DEPUTY SUPERINTENDENTS OF PUBLIC INSTRUCTION.

Office of County Superintendent Abolished.

SEC. 4. The office of County Superintendent of Public Schools either as a separate office or as an ex officio office shall be, and hereby is, abolished for all counties in this State on and after the thirty-first day of August, 1907; *provided*, that the ex officio County Superintendent shall make the reports for the school year ending on the thirty-first day of August, 1907.

Deputy Superintendents—Supervision Districts.

SEC. 5. Upon the nomination of the Superintendent of Public Instruction the State Board of Education shall, on or before the first Monday in December, 1907, and each fourth year thereafter, appoint one Deputy Superintendent of Public Instruction for each Supervision District as hereinafter provided for, and such appointee shall be a bona fide resident of the district for which he is appointed. At the time of such appointment and during his term of office, such appointee shall take office on the first Monday in September and shall serve for a period of four years; *provided*, that in case any nominee of the State Superintendent is unsatisfactory to the board another nomination or nominations shall be made to the satisfaction of the board. In case a vacancy shall occur in the office of Deputy Superintendent of Public Instruction, the State Board of Education shall in like manner make an appointment for the unexpired term. The Deputy Superintendents of Public Instruction shall devote their entire time to school supervision and shall not engage in other work while holding this office.

Qualifications of Deputies.

SEC. 6. Any person holding a teacher's certificate of high-school grade and who shall have had not less than forty-five months successful experience in teaching, at least nine months of which shall have been in the State of Nevada, shall be eligible to appointment as Deputy Superintendent of Public Instruction, and no others shall be eligible to such appointment.

Duties of Deputies.

SEC. 7. It shall be the duty of each Deputy Superintendent to visit each school in his district at least twice a year, to examine the records and observe the work of each school carefully, to advise with teachers

as to organization, management and teaching, to inspect school buildings, libraries, and apparatus, to confer with Trustees and county officers as to the condition and needs of their schools, to hold teachers' meetings, to assist at State, District, and County Institutes, and otherwise advance the educational interests of his district. The Deputy Superintendent of Public Instruction shall act as deputy examiner at teachers' examinations, as member of the Board of Educational Examiners and shall assist the State Board of Education in preparing courses of study. He shall attend the meetings of the State Board of Education to furnish information pertaining to the schools of his district when said board shall so order. He shall, under the direction of the State Board of Education, examine the records and financial accounts of each school district and shall, in his report to said Board of Education, state whether or not the law has been complied with in every case, specifically calling attention to any violations of law. He shall make such written reports and perform such other duties as may be required by the State Board of Education.

Powers of Deputies.

SEC. 8. Subject to the approval of the State Board of Education, the Superintendent of Public Instruction shall confer upon the Deputy Superintendents such power and authority to act in his name as he shall deem proper.

State Board to Adopt Rules for Deputies.

SEC. 9. The State Board of Education shall adopt such rules and regulations further defining the powers and duties of the Deputy Superintendents of Public Instruction as shall, in its judgment, be needful to secure efficiency and coordination; *provided*, that such rules and regulations shall be in accordance with the laws of this State.

Removal.

SEC. 10. The State Board of Education shall, upon the recommendation of the Superintendent of Public Instruction, have power to remove Deputy Superintendents of Public Instruction from office for evident unfitness or for conspicuous failure to perform the duties of said office.

CERTIFICATION OF TEACHERS.

Teachers' Certificates.

SEC. 11. No certificate or diploma authorizing any person to teach in the public schools of this State shall be issued by any officer or board except the State Board of Education, and the State Board shall issue only those classes and grades described in this Act; *provided, however*, that all teachers' certificates previously issued by legally constituted authorities shall remain valid for the time and under the conditions of the original issue unless revoked in accordance with law.

Date and Place of Examinations.

SEC. 12. Examinations for teachers' certificates in this State shall be held in the several counties semi-annually, beginning on the second Monday in January and July, and continuing not more than four days

at any one examination; *provided*, that the interest of the schools in any county shall require such examinations. The State Board of Education shall make provision for such other examinations at such times and places as in its judgment the public interest may require.

Deputy Examiners—Compensation.

SEC. 13. All examinations for teachers' certificates shall be conducted by deputy examiners, who shall act under the authority of the State Board of Education. It shall be the duty of the deputy examiners to send all examination papers to the Superintendent of Public Instruction without grading them. The Deputy Superintendents of Public Instruction shall act as deputy examiners in such counties in their respective districts as shall be designated by the Superintendent of Public Instruction, and the Superintendent of Public Instruction shall appoint in addition a sufficient number of deputy examiners to provide for all the counties of the State; *provided*, that there shall not be more than two such deputy examiners in any one county. Deputy examiners other than the Deputy Superintendents of Public Instruction shall receive a compensation of five dollars a day, to be paid as other claims out of the State General Fund. The State Board of Education shall prescribe such rules and regulations governing examinations as may be needful to secure uniformity and justice.

[For appropriation for conducting examinations, see Chap. XXXIX, Sec. 90.]

Regulations Regarding Questions.

SEC. 14. The questions used for written work in teachers' examinations shall be prepared by the State Board of Education, and shall be uniform throughout the State. Such examination questions shall be forwarded to the various deputy examiners throughout the State by the Superintendent of Public Instruction, so as to reach their destination immediately before the date set for the examination. Such questions shall be sent under the seal of the State Board of Education, the questions on each subject being under separate seal, and no questions shall be opened by any deputy examiner or other person until the day and the hour set for the use of such questions, and this time shall be plainly specified under each seal.

Primary-School Certificate.

SEC. 15. The primary-school certificate, good for two years, shall be issued upon satisfactory examination in the following subjects, and shall entitle the holder to teach in any school in which only primary branches are taught: Orthography, reading, grammar, written arithmetic, mental arithmetic, penmanship, physiology, history of the United States, civil government, geography, current news, drawing, theory and practice of teaching, and, at the discretion of the State Board of Education, music and the elements of chemistry and physics.

Grammar-School Certificate.

SEC. 16. The grammar-school certificate, good for three years, shall be issued upon satisfactory examination in the following subjects, and

shall entitle the holder to teach in primary, grammar, or unclassified schools: All the subjects designated for primary-school certificates, and in addition thereto, algebra, the first and second books of plane geometry, English history, bookkeeping, physical geography, physics, chemistry, and methods of teaching. [See also Chap. IX, Sec. 4.]

High-School Certificate.

SEC. 17. The high-school certificate, good for four years, shall entitle the holder to teach in any school, and shall be issued upon satisfactory examination in all the subjects mentioned in sections fifteen and sixteen of this Act, and, in addition thereto, botany, Latin, general history, English literature, plane geometry, astronomy, rhetoric, civil government, and the history and methods of teaching.

Provisions Regarding Certificates.

SEC. 18. Applicants who have taught successfully under any grade of certificate issued under this Act shall, when applying for the next higher grade, be required to take only the studies of that grade; *provided*, that any person, holding a primary-school certificate, in applying for a grammar-school certificate, need take only the additional branches named in section sixteen of this Act.

Life Diplomas.

SEC. 19. The State Board of Education shall grant a life diploma to any resident of the State of Nevada who shall present evidence of having taught successfully and continuously in the public-schools of the State of Nevada for a period of seventy-two months. A life diploma granted under this section shall be of the same grade as the certificate held by the applicant at the time of application for the diploma, and shall entitle the holder thereof to teach in any school in the State of Nevada of a grade corresponding to the grade of the certificate upon which the life diploma was granted.

State Educational Diplomas.

SEC. 20. State educational diplomas may be issued to such persons only as have held a certificate of high-school grade, and shall furnish satisfactory evidence of having been successfully engaged in teaching at least forty-five months in the public schools, twenty months of which must have been in Nevada. Every application for an educational diploma must be accompanied by a certified copy of a resolution adopted by the Board of School Trustees of the district in which the applicant has taught at least one year. An educational diploma shall entitle the holder thereof to teach in any public school in the State of Nevada without further examination.

Conditions of Issuance.

SEC. 21. Life diplomas may be issued on all and the same conditions as educational diplomas, except that the applicant must furnish satisfactory evidence of having been successfully engaged in teaching seventy-two months in public schools, twenty-four of which must have

been in Nevada. A life diploma shall entitle the holder thereof to teach in any school in the State of Nevada without further examination.

Different Certificates to Certain Graduates of Nevada State Normal School.

SEC. 22. High-school certificates, good for five years, shall be issued to graduates of the Nevada State Normal School, advanced course. Grammar-school certificates, good for five years, shall be issued to graduates of the Nevada State Normal School, elementary course. To the graduates of the Nevada State Normal School who hold high-school certificates, the State Board of Education shall grant a life diploma of high-school grade when said graduates shall have completed at least forty-five months of successful teaching in public schools. To all graduates of the Nevada State Normal School who hold a grammar-school certificate, the State Board of Education shall grant a life diploma of the grammar grade when said graduates shall have completed at least forty-five months of successful instruction in public schools.

Other Graduates Privileged.

SEC. 23. Graduates of universities, colleges, and normal schools approved by the State Board of Education shall be permitted to submit their credentials from such institutions, and to the extent that these credentials give evidence of scholarship and professional preparation they shall be accepted in lieu of examination.

Life Certificates of Other States.

SEC. 24. Any teacher holding a life certificate from another State shall be permitted to submit such certificate as evidence of his or her fitness for teaching, and if the State Board of Education shall be satisfied that the State which issued such certificate maintains a high professional standard, said board may issue a certificate for teaching in this State of such grade as it shall deem proper. [Such credentials should be forwarded to the Superintendent of Public Instruction, Carson City, Nevada.]

All Papers Graded by Board of Educational Examiners.

SEC. 25. All examination papers for teachers' certificates shall be examined and graded under the authority of the State Board of Education by the Board of Educational Examiners, which shall consist of at least two members of the State Board of Education, the Deputy Superintendents of Public Instruction, and such other persons, not to exceed three in number, as may be appointed by the Superintendent of Public Instruction. The Board of Educational Examiners shall certify the grade of each applicant in each subject to the State Board of Education. Persons appointed by the Superintendent of Public Instruction as members of the Board of Educational Examiners shall receive compensation at the rate of five dollars a day for the time actually employed in such service, to be paid out of the State General Fund in the usual manner.

Special Certificates.

SEC. 26. The State Board of Education shall grant special certifi-

cates valid for teaching music, drawing, manual training, penmanship, kindergarten work, or any specified foreign language, provided that it shall be satisfied that the applicant is qualified to teach such special subject. The board shall determine as to the fitness of the applicant by whatever method shall appear to be most appropriate. Such certificate shall be valid for two years. A special certificate shall entitle the holder to teach only the subject or subjects mentioned in the certificate.

Temporary Certificates—Restriction.

SEC. 27. The State Board of Education may, at its discretion, issue temporary certificates without examination; *provided*, that such certificate shall be issued only upon request of the Board of School Trustees of a school district in this State, and that such certificate shall be valid only in the district from which the request is made, and such certificate shall be valid only until the next teachers' examination held in the county in which such person shall be teaching. If any member of the Board of School Trustees making the above-mentioned request is a member of the family or a near relative of the applicant, the certificate shall not be granted. Not more than one temporary certificate shall be granted to any one person.

Age Limit.

SEC. 28. No certificate authorized by this Act shall be issued to any person under sixteen years of age.

DUTIES OF TEACHERS.

Teacher Must Be Legally Employed.

SEC. 29. No teacher shall be entitled to receive any portion of the public school moneys as compensation for services rendered, unless such teacher shall have been legally employed by the Board of Trustees, nor unless such teacher shall have a certificate issued in accordance with law, in full force and effect at the time such service is rendered, nor unless such teacher shall have made a full and correct report, in the form and manner prescribed by law, to the Superintendent of Public Instruction and to the Board of School Trustees.

Teachers to Take Official Oath.

SEC. 30. Each and every teacher employed in this State, whose compensation is payable out of the public funds, shall take and subscribe to the oath as prescribed by the fifteenth article of the State Constitution before entering upon the discharge of the duties of such teacher. Such oath, when so taken and subscribed to, shall, if that of a teacher in the State University, be filed in the office of the Board of Regents; if of any other class of teachers, the same shall be filed in the office of the Superintendent of Public Instruction.

The oath is as follows:

I, _____, do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution,

or law of any State Convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever. And I do further solemnly swear (or affirm) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the Constitution of the State of Nevada, and that I will not be so engaged or concerned, directly nor indirectly, in or about such duel, during my continuance in office. And further, that I will well and faithfully perform all the duties of the office of..... on which I am about to enter (if an oath), "so help me God"; (if an affirmation) "under the pains and penalties of perjury." Sworn and subscribed to before me, a of the County of and State of Nevada, this day of, Anno Domini.....

School Officers May Administer Oath.

SEC. 31. The Superintendent of Public Instruction and the Deputy Superintendents of Public Instruction are hereby authorized to administer the oath (or affirmation) to teachers and all other oaths (or affirmations) relating to public schools. The Clerk of the Board of School Trustees is hereby authorized to administer the oath (or affirmation) to teachers and School Census Marshals. No officer shall receive any compensation for administering the oath (or affirmation) as provided in this section.

School Register.

SEC. 32. All teachers of public schools shall keep registers of all the scholars attending such schools, their age, daily attendance, and time of continuance at school, and such further statistics as may be required by the Superintendent of Public Instruction, and shall deliver such registers, at the close of their term of employment, to the Board of Trustees of their respective districts.

BOARDS OF TRUSTEES OF SCHOOL DISTRICTS.

[For Election of Trustees, see Chapters V and VI.]

Meetings of Trustees—Duties of Clerk—Compensation.

SEC. 33. It shall be the duty of the Board of Trustees, a majority of whom shall constitute a quorum for the transaction of business, to meet as soon as practicable after taking the oath of office, at such place as may be most convenient in the district, and to organize by appointing one of their number President of the Board and another as Clerk. It shall be the duty of the President to preside at the meetings of the board. It shall be the duty of the Clerk to record the proceedings of the board in a book to be provided for the purpose; and all such proceedings, when so recorded, shall be signed by said Clerk. Said book shall at all times be subject to the inspection of any taxpayer in the district; and said Clerk shall cause full minutes of the proceedings of each session of the board to be published in some newspaper having general circulation in the district; *provided*, that such publication can be had without expense to the district. In districts having a school population

of three hundred or more and not exceeding one thousand the Clerk of the Board of Trustees may receive such salary as said board may allow; *provided*, that such salary shall not exceed ten dollars per month; *provided*, that in districts having a school population of one thousand or more the Clerk of the Board of Trustees shall receive not to exceed twenty-five dollars.

Meetings Monthly.

SEC. 34. In all school districts in which there are not less than three hundred school census children, as shown by the last preceding school census report, the Board of School Trustees shall hold a regular meeting at least once each month, at such time and place as it shall determine, and public notice of such meetings shall be given in one or more newspapers published in such district; *provided*, that such notices can be published without cost to the district.

Majority Vote to Legalize Action.

SEC. 35. No action of the Board of School Trustees in any school district shall be valid unless such action shall receive the approval of a majority of the members of such board at a regularly called meeting. The Clerk of the Board shall give at least two days' notice of each meeting to each member of the Board of School Trustees, specifying the time and place of each meeting; *provided*, that if all members of such board are present at such meeting the lack of such notification shall not invalidate its proceedings.

Corporate Powers of School Trustees—State Superintendent to Approve Plans.

SEC. 36. Each Board of Public School Trustees shall constitute a body corporate, and shall have care and custody of all school property within their district. They shall have power to convey by deed all estate or interest of their district in any schoolhouse or site directed to be sold by vote of the district. It shall be their duty, directed by a vote of their district, to build, purchase or hire schoolhouses for the use of the district, and also, without such vote, to cause needed repairs of the same, when the expense of such repairs will not exceed five hundred dollars, and to supply schoolhouses with the necessary furniture, fixtures, and fuel; *provided*, that no public schoolhouse shall be erected in any school district in the State until the plan of the same has been submitted to and approved by the Superintendent of Public Instruction. The Superintendent of Public Instruction may refuse to approve bills in payment of expenses incurred in disregard of this provision. Trustees shall cause to be erected such outhouses as decency requires, and in case of failure or neglect in this particular it shall be the duty of the Superintendent of Public Instruction to cause the work to be done, and to pay for the same out of the funds belonging to the delinquent district. All conveyances of real estate made to the Board of School Trustees shall be in their name corporate and to their successors in office.

Trustees Not Pecuniarily Interested.

SEC. 37. No Trustee shall be pecuniarily interested in any contract made by the Board of Trustees of which he is a member.

Report of Clerk.

SEC. 38. It shall be the duty of the Clerk of the Board of School Trustees of each district to report to the Superintendent of Public Instruction the number of schools, specifying the different grades, the number of teachers, male and female; the number of children, male and female, who have attended school within the past year; the average attendance; the length of the term of school; the compensation of teachers, male and female; the number and condition of the schoolhouses and furniture, and the estimated value thereof; the number of books in public-school libraries; the text-books used in schools; the value and kind of school apparatus; district taxation and subscription for school purposes; the amount expended in erecting and furnishing schoolhouses, and other such statistics as the Superintendent of Public Instruction may require.

City Superintendent of Schools.

SEC. 39. All school districts in Nevada are hereby divided into two classes. Districts employing ten or more teachers shall be known as districts of the first class, and districts employing less than ten teachers shall be known as districts of the second class. The Board of School Trustees of any district of the first class is hereby authorized to create the office of City Superintendent of Schools for such district, to define the powers and duties of such Superintendent, to elect to said office any person entitled to teach in the high schools of this State, and to fix the salary; *provided*, that no City Superintendent shall be elected for more than one year, unless said City Superintendent shall have first served one year acceptably in the district, when said Board of Trustees is empowered to elect said Superintendent for a term not to exceed four years; *provided, further*, that said Superintendent may be dismissed at any time for cause. *As amended, Stats. 1909, p. 323.*

Trustees to Fix Salaries of Teachers—No Discrimination Against Females.

SEC. 40. It shall be the duty of the Board of School Trustees to employ teachers, to determine the salary to be paid and the length of the term of employment for such teachers, embodying these conditions in a written contract to be signed by the Clerk, at the order of the board, and by the teacher; *provided*, that the board shall not have the right to employ teachers for any term of service commencing after the time for which any member of the Board of Trustees was elected. The salaries of teachers shall be determined by the character of the service required, and in no district shall there be any discrimination in the matter of salary as against female teachers.

Clerk to Issue Warrants.

SEC. 41. It shall be the duty of the Clerk of the Board of School Trustees in each district, subject to the direction of said board, to draw all orders for the payment of the moneys belonging to his district, and such orders, when signed by the President and the Clerk of the Board of School Trustees of such district, shall be valid vouchers in the hands of the County Auditor for warrants on the County Treasurer, to be paid

out of funds belonging to such district; *provided*, that no warrant for the payment of money for a new school building or for repairs or furniture in excess of five hundred dollars shall be issued unless the order shall be approved by the Superintendent of Public Instruction.

Itemized Statement of Bills.

SEC. 42. All such orders shall be accompanied by an itemized statement of the purpose or purposes for which the order is issued, and such statement shall be kept on file in the office of the County Auditor, subject to inspection by the Superintendent of Public Instruction or his deputy, until ordered to be destroyed by the State Board of Education. No order for the payment of the money of any district shall be issued by the Clerk of such district unless there shall be in the county treasury credited to such district a sum of money equal to the amount for which the order is issued, and available for the purpose of such order. If the Clerk of the Board of School Trustees of any district shall draw any order for the payment of school moneys in violation of the laws of this State, the members of the Board of School Trustees of such district shall be jointly and severally liable for the amount of such order.

Trustees Must Visit Schools.

SEC. 43. It shall be the duty of the Board of School Trustees, as represented by at least one member, to visit the school or schools under their charge at least once each year. The board may invite other competent persons to visit the school or schools and report as to the building, the equipment, the health of the pupils, and as to the management and instruction of the pupils.

Powers and Duties of Trustees.

SEC. 44. The School Trustees shall have power, and it shall be their duty:

First—To provide schoolhouses with maps, blackboards, furniture, and other necessary apparatus, including library and cabinet cases, if deemed expedient, and pay for the same out of the county school moneys belonging to their district.

Second—To provide books for the indigent children, and record-books for the district, and to pay for the same out of the county school moneys belonging to their district.

Third—To divide the public schools within their district into kindergarten, primary, grammar, and high-school departments, and to employ competent and legally qualified teachers for the instruction of the different departments whenever they shall deem such division into departments advisable; *provided*, there shall be such means for all such departments, and if not, then in the order in which they are herein named, excepting the kindergarten department, which shall not be considered as taking precedence of any other department; *provided, also*, that the kindergarten department shall not be established in a school district having a school census population of less than three hundred.

Fourth—To suspend or expel from any public school within their district, with the advice of the teachers, any pupil who will not submit to reasonable and ordinary rules of order and discipline therein, and to

exclude from school children under six years of age when the interest of the school requires it to be done.

Fifth—To apportion the school fund among the several schools within their districts in proportion to the average number of pupils attending such schools.

Sixth—At the close of their official term to deliver over their books of record, and all papers, books, blanks, documents, money, and all other property in their hands as such Trustees, to their successors in office, and take their receipt for the same, which receipt shall be filed with the Superintendent of Public Instruction.

Further Powers.

SEC. 45. The School Trustees shall have power:

First—[Abrogated by "An Act to provide for Union School Districts," approved March 3, 1909. See Chapter X.]

Second—To make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be most convenient, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school. The School Trustees of any district may transfer to an adjoining district any child, together with all school moneys due by apportionment to such child, whenever the parent or guardian shall present a written request accompanied by a written permit from the Board of School Trustees of the adjoining district.

[For further powers of Trustees, see Chap. VII.]

SCHOOL DISTRICTS.

But One District in Town or City—Five Trustees, When.

SEC. 46. Each village, town, or incorporated city of this State shall constitute but one school district; and the public schools therein shall be under the supervision and control of the Trustees thereof; *provided*, in all such villages, towns, and cities wherein the aggregate number of registered voters thereof, at the last previous general election, exceeds fifteen hundred, there shall be elected five instead of three Trustees.

[See also Chap. V, Sections 1-3.]

County Commissioners May Change Districts—New Districts.

SEC. 47. The Board of County Commissioners of the several counties of this State are hereby authorized and empowered to create new school districts, change the boundaries of school districts heretofore established, or abolish the same whenever in their judgment it shall be for the best interests of the common schools to do so; *provided*, that the boundaries of any school district shall not be changed nor shall any school district with the legal number of school children within said district be abolished for the purpose of joining or consolidating said school district with another school district unless a petition signed by at least three-fifths of the residents of said district be presented to said Board of County Commissioners praying for the change in the boundaries or for the abolishment of said district; *provided further*, that when a new school district is organized school shall be commenced within one hundred and twenty days from the action of the Board of County Com-

missioners creating such new school district, and if school shall not be commenced within the said one hundred and twenty days in the said new district, then such action shall become void, and no such district shall exist; *and provided further*, that no district organized under the provisions of this Act after its passage shall exceed in size sixteen miles square.

[For disposition of funds and property of abolished school districts, see Chap. XIII.]

[For provision for enlarging school districts, see Chap. XI.]

But One School, When.

SEC. 48. In any neighborhood or community containing not more than twenty school census children, and where one school can accommodate all the school census children therein, although the most distant school census child resides not to exceed five miles from the schoolhouse, but one school shall receive public school money, and the Superintendent of Public Instruction shall decide the schoolhouse in which the school shall be kept open.

At Least Five Children for a District.

SEC. 49. No school district shall be entitled to receive moneys from the county funds unless there shall be residing in the district at least five school census children.

*School Must Be Maintained at Least Three Months in the Year—
Division of District.*

SEC. 50. No school district, except when newly organized, shall be entitled to receive any portion of the public school moneys in which there shall not have been taught a public school for at least three months within the year ending the last day of August previous; and no public school shall receive any moneys, benefits, or immunities under the provisions of this Act unless such school shall have been instructed by a teacher or teachers duly examined, approved, and employed by legal authority, as herein provided. When a new district is formed by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district after the payment of all outstanding debts at the time when a school was actually commenced in such new district; and the Superintendent of Public Instruction shall divide and apportion such remaining money according to the number of census children resident in each district, for which purpose he may order a census to be taken, the expenses of which shall be met as provided in section seventy of this Act.

Joint School District, When.

SEC. 51. A joint school district may be formed of parts of two or more counties, provided a majority of the qualified voters in that part of each county which it is proposed to include in such joint district shall petition for the creation of such joint district, such petition to contain a description of the boundaries of the proposed joint district. When such identical petition is presented to the Board of County Commissioners in each county in which any part of the territory of said proposed joint district is located, such boards shall, if they favor the

establishment of a joint district, provide for such establishment, and the Superintendent of Public Instruction shall appoint the members of the Board of School Trustees, who shall serve until their successors are elected and qualified according to law.

State Superintendent to Apportion Funds, How.

SEC. 52. The Superintendent of Public Instruction shall apportion the county school funds to any such joint district as follows: In apportioning sixty per cent of the school funds of any county he shall apportion to a joint district the regular amount per census child residing in that county. In apportioning forty per cent of the county school funds of any county he shall consider the teacher as belonging in part to each county, part of which lies in the joint district, and the part belonging to any county will be in proportion to the number of school census children in that county.

GENERAL PROVISIONS.

School Year.

SEC. 53. The public school year shall commence on the first day of September and shall end on the last day of August.

School Month.

SEC. 54. Except when special agreement is made, a school month shall consist of four weeks of five days each, and teachers shall be paid only for the time in which they are actually engaged in teaching; *provided*, that when an intermission of less than six days is ordered by the Trustees no deduction of salary shall be made therefor.

Sectarian Literature Prohibited.

SEC. 55. No books, tracts, or papers of a sectarian or denominational character shall be used or introduced in any schools established under the provisions of this Act; nor shall any sectarian or denominational doctrines be taught therein; nor shall any school whatever receive any of the public school funds which has not been taught in accordance with the provisions of this Act.

[See also Constitution, Article XI, Sections 9 and 10.]

School Property Exempt From Taxation.

SEC. 56. All lots, buildings, or other school property, owned by any district, town, or city, and devoted to public school purposes, shall be, and the same are hereby, exempted from taxation and from sale on any execution or other writ or order in the nature of an execution.

[See also Chapter XXXV, Section 5.]

Hygiene to be Taught.

SEC. 57. Physiology and hygiene shall be taught in the public schools of this State, and especial attention shall be given to the effects of stimulants and narcotics upon the human system.

SCHOOL CENSUS MARSHAL.

May Be Females.

SEC. 58. It shall be the duty of the Board of School Trustees of each district to appoint a competent person over twenty-one years of age as

School Census Marshal before the first day of March of each school year and to notify the Superintendent of Public Instruction of such appointment immediately after it is made. This section shall not be construed in such a way as to prevent the appointment of a member of the Board of School Trustees or of a woman as School Census Marshal. Before the School Census Marshal shall enter upon the performance of his duties he shall take and subscribe to the oath of office, and such oath shall be filed in the office of the Superintendent of Public Instruction.

Blanks for Marshal.

SEC. 59. The Superintendent of Public Instruction shall supply each School Census Marshal with printed instructions as to his duty, and with all blank forms required for taking and reporting the census.

Duties of School Census Marshal.

SEC. 60. It shall be the duty of the School Census Marshal of each district to take annually in the month of April a census of the resident children of the district for which he shall have been appointed, and to report the same to the Superintendent of Public Instruction. The term "resident children," as used in this section, shall be defined in such a way as to include: First, children residing with their parents or guardians in such district; second, children temporarily residing outside of said district for the purpose of attending institutions of learning or benevolent institutions, such as schools for the deaf and blind and orphans' homes; *provided*, that the parents of such children shall be residing in such district on the first day of April; *and provided further*, that the children themselves shall have been actual residents of the district immediately previous to the time of such outside residence. The term "resident children" shall be further defined in such a way as to exclude: First, Indian children who shall not have attended public school during the last preceding year; second, children temporarily visiting in or passing through said district; third, children who have never actually resided within the district, even in cases where the parents or guardian shall reside in such district; fourth, children who are residing in the district for the purpose of attending institutions of learning or benevolent institutions; and, in general, all children who may properly be included in the census of some other district.

Same.

SEC. 61. The School Census Marshal shall visit each home, habitation, residence, domicile, or place of abode in his district and require the necessary information of parents or others competent to give accurate information, supplementing and correcting this by actual observation when necessary. The School Census Marshal shall have power to administer the legal oath to parents, guardians, and other persons furnishing such information.

Report of Marshal, What to Contain.

SEC. 62. The report of the School Census Marshal shall be made upon blank forms to be furnished by the Superintendent of Public Instruction, and shall show the following facts:

First--The full names of all children less than twenty years old and

residing in the district on the first day of April, such names to be given by families under the name of the parents or guardian.

Second—The year, month, and day on which each child was born, and the age in years, counting to the first day of April.

Third—The sex and color of each child.

Fourth—The place of birth of each child and of each parent.

Fifth—The total number of children less than six years of age; the total number not less than six nor over eighteen years of age, and the total number of children over eighteen and less than twenty-one years of age, counting from the first day of April. Only those children who are not less than six nor over eighteen years of age shall be considered as school census children.

Sixth—Such other facts as the State Board of Education may require.

Districts in Two Counties.

SEC. 63. In the case of districts lying partly in two or more counties, the School Census Marshal shall report separately the children of each county.

State Superintendent to Appoint School Census Marshal, When.

SEC. 64. If the Board of School Trustees of any district shall fail to appoint a School Census Marshal and to notify the Superintendent of Public Instruction of the same, as provided in section fifty-eight of this Act, it shall be the duty of the Superintendent of Public Instruction to call the attention of the Clerk of the Board of such district to such failure, and if a notification of an appointment is not received at his office before the first day of April, the Superintendent of Public Instruction shall appoint the School Census Marshal for such district, such appointee to proceed in like manner as if appointed by the Board of School Trustees, and any appointment of Census Marshal made by the Board of School Trustees of such district shall be void.

Clerk to Examine Marshal's Report.

SEC. 65. Immediately after the School Census Marshal shall have completed the work of taking the census, he shall submit a report of the same, according to a form to be prescribed by the Superintendent of Public Instruction, to the Clerk of the Board of School Trustees, and if the Clerk finds the report to be correct, according to the best of his knowledge, he shall sign the same, after which the Census Marshal shall transmit it to the Superintendent of Public Instruction with a sworn statement to the effect that reasonable diligence and care have been exercised and that, to the best of his knowledge, all parts of the report are correct.

Dates for Completing Reports.

SEC. 66. In the case of districts having a school census population of less than three hundred the report shall be sent to the Superintendent of Public Instruction before the fifteenth day of May. In the case of districts having over three hundred census children the report shall be sent to the Superintendent of Public Instruction before the first day of June.

State Superintendent to Compare Reports of Census Marshals.

SEC. 67. The Superintendent of Public Instruction shall compare the census reports submitted to him by the various School Census Marshals so far as he shall consider needful, and he shall strike from them the names of any children whose names are, according to his best knowledge, wrongly included in the reports, and it shall be his duty to correct all manifest errors in such reports. In all cases he shall make sufficient investigation to confirm him in his action before correcting any report.

Special Census Marshal, When.

SEC. 68. If at any time the Superintendent shall have reason to believe that a report contains errors which he is unable to correct, or if at any time the report of the School Census Marshal is not transmitted as provided by section sixty-six of this Act, he may appoint a special School Census Marshal who shall retake the census as soon as practicable and not later than the thirtieth day of June, conforming otherwise to the rules governing the original census.

County to Pay Census Marshal.

SEC. 69. Every bill for the compensation of a School Census Marshal shall be presented to the Board of County Commissioners of the county in which the district for which he shall have been appointed lies, and upon the order of said board shall be paid as other claims out of the general fund of the county. No bill for the compensation of any School Census Marshal shall be ordered paid unless the bill shall be accompanied by a statement from the Superintendent of Public Instruction to the effect that a satisfactory census report has been returned as provided by law.

Negligence of Marshal—Punishment.

SEC. 70. If the School Census Marshal of any district neglects or refuses to make his report at the time and in the manner prescribed by law, or if he, with intention to defraud the State, or through failure to exercise reasonable care, include the names of children in violation of law, or if he report their ages falsely, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any amount not less than five or more than one hundred dollars, or by imprisonment in the county jail not less than five nor more than thirty days, and it shall be the duty of the various District Attorneys to cause the arrest and prosecution of such persons upon information furnished by the Superintendent of Public Instruction, other school officers, or by other persons.

SCHOOL FUNDS.

State Permanent School Fund.

SEC. 71. All moneys accruing to this State from the sale of lands heretofore given or bequeathed, or that may hereafter be given or bequeathed, for public school purposes; all fines collected under the penal laws of the State; two per cent of the gross proceeds of all toll roads and bridges, and all estates that may escheat to the State, shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other fund for other uses, but shall

constitute an irreducible and indivisible fund, to be known as the State Permanent School Fund, which shall be invested as provided in section eighty-eight of this Act. [See also Constitution, Article XI, Sec. 3.]

Ad Valorem State School Tax.

SEC. 72. An ad valorem tax of six cents on the hundred dollars of all taxable property in the State is hereby levied and directed to be collected and paid in the same manner as other State taxes are required to be paid; and said tax shall be known as the State School Tax, and the Board of County Commissioners of the several counties shall, annually, at the same time other State taxes are levied, add this to the other taxes provided by law to be levied and collected, and it shall be annually collected at the same time and in the same manner as other State taxes are collected, and if, from any reason whatever, in any year said taxes are not levied, as herein required, by the Board of County Commissioners, the County Auditor shall enter them on the assessment roll, as required by law for other taxes. [See State Tax Levy, Chap. XXXVIII, Sec. 1.]

State Distributive School Fund.

SEC. 73. All moneys derived from interest on the State Permanent School Fund, together with all moneys derived from the State school tax, shall be placed in and constitute a fund to be known as the State Distributive School Fund, and be apportioned semi-annually among the several counties of the State in proportion to the number of resident children not less than six nor more than eighteen years of age in the respective counties as shown by the last preceding reports of the School Census Marshals.

Use of Distributive School Fund Restricted.

SEC. 74. The school moneys distributed to the various counties of the State, from the State Distributive School Fund, shall not be used for any other purpose than the payment of qualified teachers, under this Act; and no portion of said fund shall, either directly or indirectly, be paid for the erection of schoolhouses, the use of schoolrooms, furniture, or any other contingent expenses of public schools.

State Tax, Use Restricted.

SEC. 75. No portion of the public school funds, nor of the moneys raised by State tax, or specially appropriated for the support of public schools, shall be devoted to any other object or purpose; nor shall any portion of the public school funds, nor of money raised by State tax for the support of public schools, be in any way segregated, divided, or set apart for the use or benefit of any sectarian or secular society or association.

County School Tax.

SEC. 76. The Board of County Commissioners of each county shall, annually, at the time of levying other county taxes, levy a county school tax, not to exceed fifty cents nor less than fifteen cents on each one hundred dollars valuation of taxable property, which tax shall be added to the county tax and collected in the same manner, and paid into the county treasury as a special deposit, to be drawn in the same manner

as other public school moneys; and should said County Commissioners fail or neglect to levy said tax as required it shall be the duty of the County Auditor to add such tax as the Superintendent of Public Instruction may deem sufficient, between the limits of fifteen and fifty cents on each one hundred dollars valuation of taxable property in the county, to the assessment roll, to be collected as specified in this section.

Use of County School Funds.

SEC. 77. The Board of Trustees, or Board of Education, of each city, town, and district, may use the moneys from the county school funds to purchase sites, build, or rent schoolhouses, to purchase libraries, and to pay teachers or contingent expenses as they may deem proper.

METHODS OF LEVYING SPECIAL SCHOOL TAXES.

Special School Tax, When—Popular Election to Decide, When.

SEC. 78. When, in the judgment of the Board of School Trustees of any district, the school moneys to which such district shall be entitled for the coming school year will not be sufficient to maintain the school properly and for a sufficient number of months, said board shall have power to direct that a tax of not more than twenty-five cents on the one hundred dollars of assessed valuation of such district shall be levied, and, upon notification by the Clerk of the Board of School Trustees of such district that such action has been taken, the Board of County Commissioners shall levy and cause to be collected such tax upon the taxable property of such district; *provided*, that when the Board of School Trustees shall have decided to direct the levy of such tax, it shall give thirty days' notice of such intention in one or more newspapers published in such district or by posting notices in public places; *and provided further*, that the question of such tax shall be submitted to a vote of the people at a special election if ten per cent of the qualified voters of such district shall petition for such vote within thirty days after the publication of such notice; *and provided further*, that if a majority of the people voting at such election shall vote against the proposed tax, the Board of School Trustees shall not direct the levy of such tax.

No Fees for Handling School Moneys.

SEC. 79. No tax collector or County Treasurer shall receive any fees or compensation whatever for collecting, receiving, keeping, transporting, or disbursing any school moneys mentioned in the preceding sections of this Act. In case of a special school tax for any school district, as provided in sections eighty-one and eighty-two of this Act, the Board of County Commissioners may allow a reasonable compensation for assessing and collecting if such taxes are assessed and collected independently and separate from the regular taxes, such compensation to be paid out of the special taxes thus collected.

Popular Election, Regulations For—Ballots—School Tax Collectible Immediately, When—Recourse of Property Owner—Delinquent School Taxes.

SEC. 80. The Board of Trustees of any school district may, when in their judgment it is advisable, call an election and submit to the quali-

fied electors of the district the question whether a tax shall be raised to furnish additional school facilities for said district, or to keep any school or schools in such district open for a longer period than the ordinary funds will allow, or for building an additional schoolhouse or houses, or for any two or for all of these purposes. Such election shall be called by posting notices in three of the most public places in the district for twenty days, and also if there be a newspaper in the county by advertisement therein once a week for three weeks. Said notice shall contain time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The Trustees shall appoint three judges to conduct the election, and it shall be held in all other respects as nearly as practicable in conformity with the general election law. At such election the ballot shall contain the words: "Tax—Yes," or "Tax—No." If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the County Commissioners, together with a statement of the amount of money proposed to be raised, who shall ascertain the necessary percentage on the property of said district, as shown by the last assessment made thereof after equalization, to raise the amount of money voted, and shall add it to the next county tax to be collected on the property aforesaid; and the same shall be paid into the county treasury as a special deposit in favor of said school district, to be drawn in the same manner as other school moneys; *provided*, if in any school district the School Trustees shall certify to the County Commissioners that the State and county money to which any district is entitled is not sufficient to keep school open in such district up to the date when State and county taxes shall become due, the tax provided for in this section shall be due and payable to the Assessor of such county in which the tax is levied immediately after he shall make the assessment and demand for payment of the tax; *provided*, the owner of the property shall, if he deem the assessment too high, have the privilege of submitting the assessment to the Board of County Commissioners for equalization within ten days after demand made for the payment of the tax, and the County Commissioners, within five days after complaint made to them, shall meet and determine the correct valuation of the property assessed, and may change the same by adding to or deducting from the sum fixed either by the owner or Assessor, and upon notice to the owner of the result of their equalization the tax shall be immediately payable to the Assessor, and if not paid shall become delinquent; and all taxes so assessed shall constitute a lien on the property charged therewith, from the date of the levy thereof by the County Commissioners, or entry thereof on the assessment roll by the County Auditor, until the same are paid, and thereafter if allowed to become delinquent shall be enforced in the same manner as provided by law for the collection of State and county taxes. If for any reason said tax is not added to the county tax by the County Commissioners, the County Auditor shall enter it upon the assessment roll to be charged against the property of that district, on application from the Trustees of said district.

District Tax.

SEC. 81. When the State and county money to which any district is

entitled is not sufficient to keep a school open in such district at least six months in each year, it is hereby made the duty of the Trustees of such district to levy, and they shall levy, a district tax upon the taxable property of such district sufficient to raise an amount, which, together with the State and county money to which such district is entitled, will keep a school open six months in each year; and such tax shall be assessed, equalized, and collected in the same manner prescribed for assessing, equalizing, and collecting the taxes voted for furnishing additional school facilities, in section eighty of this Act.

CUSTODY, INVESTMENT, AND APPORTIONMENT OF SCHOOL FUNDS.

State Permanent School Fund.

SEC. 82. The State Controller shall keep a separate and distinct account of the State Permanent School Fund, of the interest and income thereof, of such moneys as shall be raised by the State school tax, and of all moneys derived from special appropriations or otherwise for the support of public schools.

State Controller to Report School Securities.

SEC. 83. The State Controller shall, on or before the tenth day of April and the tenth day of October of each year, make to the State Board of Education a statement of the securities belonging to the State Permanent School Fund. He shall also, on or before the tenth day of January and the tenth day of July of each year, render to the Superintendent of Public Instruction a statement of the moneys in the treasury subject to distribution to the several counties of the State, as provided in section ninety of this Act.

State Treasurer Custodian of School Securities.

SEC. 84. The State Treasurer shall be the legal custodian of all State and National securities in which the moneys of the State Permanent School Fund of the State of Nevada are or may hereafter be invested, and for their safe-keeping he shall be liable on his official bond. It shall be the duty of the State Treasurer to pay over all public school moneys received by him only on warrants of the State Controller, issued upon the orders of the Superintendent of Public Instruction, under seal of the Board of Education, in favor of County Treasurers, or on orders of the State Board of Education, for purposes of investment, as provided in section eighty-eight of this Act, which orders, duly endorsed, shall be valid vouchers in the hands of the State Controller for the disbursement of public school moneys.

County Treasurers to Receive State School Moneys Semi-Annually.

SEC. 85. All school moneys due each county in the State shall be paid over by the State Treasurer to the County Treasurers on the tenth day of January and the tenth day of July of each year, or as soon thereafter as the County Treasurer may apply for the same, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction, as provided in section eighty-nine of this Act.

State Treasurer to Turn Interest Into State Distributive School Fund.

SEC. 86. When the interest on any securities belonging to the State

Permanent School Fund is due, the State Treasurer shall, upon the warrant of the State Controller and in the presence of a majority of the members of the State Board of Education, cut off and pay the coupon on such securities, and place the moneys so paid into the State Distributive School Fund, and keep a correct account thereof in his books.

Duties of State Controller—Investments Must Be Thoroughly Investigated.

SEC. 87. It is hereby made the duty of the State Controller, quarterly, to notify the State Board of Education of the amount of money in the State Permanent School Fund, and whenever there shall be a sum in said fund sufficient for investment said board shall direct the State Treasurer to negotiate for investment of the same in United States securities, or in the bonds of this State, or in the bonds of other States, at the lowest purchasable rates, and the board shall then draw their order upon the Controller in favor of the State Treasurer for the amount to be invested. Said Controller shall thereupon draw his warrant as directed, and the State Treasurer shall complete the purchase of the securities negotiated for by him in pursuance of this Act; *provided*, that before any such investment of said school moneys as is contemplated by the provisions of this Act is made, said Board of Education shall require of the Attorney-General of this State his legal opinion as to the validity of any Act or Acts of any State under which said bonds are issued and in which said Board of Education are about to make an investment; *and provided further*, that in no case shall any bonds be purchased as herein provided without said Board of Education making due and diligent inquiry as to the financial standing and responsibility of the State or States whose bonds it is proposed to purchase.

Duties of County Treasurers.

SEC. 88. It shall be the duty of the County Treasurer of each county:

First—To receive and hold as a special deposit all public school moneys, whether received by him from the State Treasurer or raised by the county for the benefit of public schools, or from any other source, and to keep separate accounts thereof and of their disbursements.

Second—On the second Monday of June and on the second Monday of December of each year to notify the Superintendent of Public Instruction of the amount of money in the county school fund subject to distribution.

Third—To pay over all public school moneys received by him only on warrants of the County Auditor, issued upon orders of the Clerks of the Boards of School Trustees for their respective school districts. All orders issued by the said Clerks shall be valid vouchers in the hands of County Auditors for warrants drawn upon such orders; *provided*, that orders for the payment of money for new school buildings and for repairs or furniture amounting to over five hundred dollars must be approved by the Superintendent of Public Instruction before such warrants are drawn.

Fourth—On or before the first day of October, annually, to make

full report to the Superintendent of Public Instruction of the public school moneys received into the county treasury within the school year ending on the last day of August next previous thereto, with a particular statement of the disbursement of the said school moneys, and of any amount of said school moneys which may remain in his hands at the close of such school year, designating whether of State or county school fund; and in case of failure or neglect of said County Treasurer to make such report, he shall forfeit for the benefit of the county school fund the sum of one hundred dollars from his official compensation, and it is hereby made the duty of the County Commissioners, on notice from the Superintendent of Public Instruction of such failure or neglect on the part of any County Treasurer, to deduct said one hundred dollars from his compensation and place said amount to the credit of the county school fund.

State Superintendent to Apportion School Moneys.

SEC. 89. It shall be the duty of the Superintendent of Public Instruction, immediately after the State Controller shall have made his semi-annual report as required in section eighty-four of this Act, to apportion to the several counties of the State the moneys in the State Distributive School Fund. He shall apportion the moneys of said fund among the several counties of the State in proportion to the number of resident children not less than six nor more than eighteen years of age in the respective counties, as shown by the last preceding reports of the Census Marshals, and he shall furnish to the State Controller, to each County Treasurer, and to each County Auditor an abstract of such apportionment, and with such abstract he shall furnish each County Treasurer with an order on the State Controller, under seal of the State Board of Education, for the amount of school moneys in the State Treasury to which such counties shall be entitled, and to take such County Treasurer's receipt for the same.

Method of Apportionment.

SEC. 90. The Superintendent of Public Instruction shall, immediately after the State apportionment of school moneys is completed, proceed to apportion the school moneys of each county among its several districts, apportioning the moneys derived from the State Distributive School Fund separate from the other county school moneys. He shall apportion all moneys as follows: First, he must ascertain the number of teachers each district is entitled to, by calculating one teacher for every seventy-five census children or fraction thereof as shown by the next preceding school census; second, he must ascertain the total number of teachers for the county by adding together the number of teachers assigned to the several districts upon the basis of one teacher to each seventy-five census children or fraction thereof; third, forty per cent of the amount of the apportionment from the State and county school fund shall be apportioned equally to each district for every teacher assigned it, upon the basis of seventy-five census children or fraction thereof; fourth, all school moneys remaining on hand, after apportioning forty per cent of the State and county apportionment equally to each district for every teacher assigned it upon the basis of

seventy-five census children or fraction thereof, must be apportioned to the several districts in proportion to the number of children between the ages of six and eighteen years, as returned by the School Trustees and Census Marshals. The Superintendent of Public Instruction shall by means of a printed report notify the County Treasurer, the County Auditor, and the School Trustees of such apportionment in detail.

[For apportionment to Emergency School Fund, see Chap. XII, Sections 1-3.]

DISTRICT SCHOOL LIBRARIES.

Method of Apportionment for District School Library Fund.

SEC. 91. It shall be the duty of the Superintendent of Public Instruction in July of each year, after apportioning the public school moneys of each county among its respective districts, to set apart for each district out of the money thus appropriated to such district a sum of not less than three dollars nor more than five dollars for each teacher to which the district is entitled, calculating one teacher for every seventy-five census children or fraction thereof, and the further sum of not less than five cents nor more than ten cents for each census child as shown by the last school census, and the sums thus apportioned shall constitute for each district a District School Library Fund.

Amount of Same Determined.

SEC. 92. The amount of money to be set apart and apportioned, within the limits provided by the preceding section, shall be determined by the State Board of Education.

Books Approved by State Board.

SEC. 93. The moneys herein designated and apportioned shall be expended for the purchase of books, approved by the State Board of Education, for the public school library of each district, and for no other purpose, and shall be paid out and expended as the other school funds of such district are now paid out.

Trustees Authorized.

SEC. 94. The Board of School Trustees of each school district in this State is hereby authorized and directed to purchase books for public school libraries in accordance with the provisions of this Act.

Rules for Libraries.

SEC. 95. The State Board of Education is hereby authorized and directed to make such rules and regulations for the purchase of books provided for, and for the preservation and use thereof, as may be proper, provided such rules and regulations do not in any wise conflict with the laws of the State.

REPEAL SECTION.

Repeal of Previous Acts.

SEC. 96. An Act entitled "An Act to provide for the maintenance and supervision of public schools," approved March twentieth, eighteen hundred and sixty-five; an Act entitled "An Act supplementary to an Act entitled 'An Act to provide for the maintenance and supervision of public schools,' approved March twentieth, eighteen hundred and

sixty-five, approved March eighth, eighteen hundred and sixty-seven, approved March fifth, eighteen hundred and sixty-nine, approved March seventh, eighteen hundred and seventy-three, approved March fifth, eighteen hundred and seventy-seven," approved February twenty-fourth, eighteen hundred and seventy-nine; an Act entitled "An Act to provide for the safe-keeping of the securities of the State School Fund," approved February twenty-first, eighteen hundred and seventy-one; an Act entitled "An Act to provide for the maintenance and supervision of public schools," approved March ninth, eighteen hundred and eighty-seven; an Act entitled "An Act to empower the State Board of Education to grant life diplomas to residents of Nevada who have taught ten years," approved March first, eighteen hundred and ninety-seven; an Act entitled "An Act to empower the State Board of Education to grant life diplomas to residents of the State of Nevada who have received the degree of Bachelor of Arts," approved March eighth, eighteen hundred and ninety-seven; an Act entitled "An Act to authorize the State Board of Education to issue special certificates to teach," approved March fourteenth, eighteen hundred and ninety-nine; an Act entitled "An Act to provide for uniform examinations for teachers' certificates, and other matters properly connected therewith," approved March sixth, eighteen hundred and ninety-three; an Act entitled "An Act to provide for the issuing of teachers' certificates by County Boards of Examination, and other matters properly connected therewith," approved March twentieth, eighteen hundred and ninety-five; an Act entitled "An Act relating to the duties of Census Marshals," approved March twenty-second, eighteen hundred and ninety-seven; an Act entitled "An Act to promote the progress and efficiency of the public schools by providing for State Teachers' Institutes," approved March sixth, eighteen hundred and ninety-three; an Act entitled "An Act providing for public school libraries, and all other matters relating thereto," approved March sixteenth, nineteen hundred and five, are hereby repealed.

Salaries of Deputies—Traveling and Other Expenses.

SEC. 97. The compensation of each Deputy Superintendent of Public Instruction is hereby fixed at two thousand dollars per annum and shall be paid out of the General Fund of the State as the salaries of other State officers are paid, together with actual traveling and office expenses incurred in the performance of duty as required by law, such traveling expenses to include the cost of transportation and board while absent from their places of residence; *provided*, that for any period of one year there shall not be more than eight hundred dollars (\$800) nor less than five hundred dollars (\$500) appropriated by the State to pay the traveling expenses of any Deputy Superintendent, and not more than four hundred dollars (\$400) nor less than three hundred dollars (\$300) shall be appropriated to pay the office expenses of such Deputy Superintendent for any period of one year. The claims against the State for such traveling and office expenses shall be presented to and allowed by the State Board of Examiners as other such claims are presented and allowed. *As amended, Stats. 1909, p. 228.*

Appropriations.

[SEC. 2.] There is hereby appropriated from the General Fund of the State, the following amounts to pay the salary, traveling expenses of the Deputy Superintendents of Public Instruction for the period of time beginning July first, nineteen hundred and nine, and ending January first, nineteen hundred and eleven:

For the First Supervision District—Salary of Deputy Superintendent, \$3,000; office expenses, \$400; traveling expenses, \$800.

For the Second Supervision District—Salary of Deputy Superintendent, \$3,000; office expenses, \$400; traveling expenses, \$800.

For the Third Supervision District—Salary of Deputy Superintendent, \$3,000; office expenses, \$400; traveling expenses, \$1,200.

For the Fourth Supervision District—Salary of Deputy Superintendent, \$3,000; office expenses, \$600; traveling expenses, \$1,200.

For the Fifth Supervision District—Salary of Deputy Superintendent, \$3,000; office expenses, \$600; traveling expenses, \$1,200. *Stats. 1909, p. 229.*

[SEC. 3.] This Act shall take effect on July first, nineteen hundred and nine. *Stats. 1909, p. 229.*

Educational Districts Established.

SEC. 98. Five Educational [Supervision] Districts are hereby established as follows: District Number 1, comprising Elko County; District Number 2, comprising White Pine, Lander, Eureka Counties; District Number 3, comprising Humboldt and Churchill Counties; District Number 4, comprising Washoe, Storey, Ormsby, Douglas, Lyon, and Esmeralda Counties; District Number 5, comprising Lincoln and Nye Counties.

“And said Clark County shall be attached to and become a part of the Fifth Educational [Supervision] District.” *Stats. 1909, Sec. 14, p. 10.*

SEC. 99. This action (Act) shall take effect on and after the thirty-first day of August, nineteen hundred and seven.

SCHOOL BOOKS.

METHOD OF ADOPTING THE TEXT-BOOKS.

CHAP. III—*An Act to create a State Text-Book Commission and to authorize said Commission to adopt a uniform series of text-books for the public schools of Nevada, and matters properly connected therewith.*

Approved March 22, 1907, p. 217.

State Text-Book Commission to Consist of Board of Education and Four Appointed Members.

SECTION 1. A State Text-Book Commission is hereby created. Such commission shall consist of the members of the State Board of Education and of four additional members to be appointed by the Governor. Such appointments shall be made before the first day of April, nineteen

hundred and seven, and during the month of January every four years thereafter, and such appointees shall be principals of schools employing not less than five teachers, or superintendents, and they shall hold office for four years. If any vacancies occur during the terms of said officers by death, resignation, or removal, the Governor shall fill such vacancy by appointment of some principal or superintendent eligible as described above.

Officers of Commission—Quorum—Meetings Public.

SEC. 2. The Governor shall be ex officio President and the Superintendent of Public Instruction ex officio Secretary of said Text-Book Commission. The Secretary shall call a meeting of the Text-Book Commission not later than the first of April, 1907, at which time the Commission shall organize by taking the constitutional oath of office, which oath shall be filed in the office of the Secretary of State, and shall adopt rules of procedure in harmony with the provisions of this Act. Four members of the commission shall constitute a quorum for the transaction of business, but no action shall be taken by the commission unless a majority of the entire commission shall vote in favor thereof. All meetings of the commission shall be public, and the Secretary shall keep a full and complete record of all proceedings, which record shall be open to the inspection of the public. The vote on the adoption of all text-books shall be by roll call and the Secretary shall record the name and vote of each member.

Meetings, Where and When Held—Contracts for Books.

SEC. 3. The State Text-Book Commission shall hold its meetings to adopt text-books in the office of the Superintendent of Public Instruction in Carson City on the fourth Tuesday in June, nineteen hundred and seven, and on the fourth Tuesday in June every four years thereafter. The Secretary may call special meetings of the Text-Book Commission whenever in his judgment there may be business to transact of such importance as to justify the call, or at the written request of four members of the commission, stating definitely the purpose of the meeting. At the meeting held on the fourth Tuesday in June, nineteen hundred and seven, and every four years thereafter, the commission shall adopt a uniform series of text-books for exclusive use as text-books in all the public schools of the State. If a contract for any text-book adopted at any regular meeting of the Text-Book Commission shall expire, either through the failure of the publishers of said book to fulfill the conditions of the contract, or for any other reason, the Text-Book Commission may adopt another book to take the place of the one on which the contract has lapsed, after notifying text-book publishers as hereinafter provided for in cases of regular adoptions. When regular adoptions are being made the commission may adjourn from day to day; *provided*, the session shall not continue beyond six actual days.

Changes of Books, When and How Made—Sealed Proposals.

SEC. 4. Immediately after the first meeting of the commission, and not later than the first day of April, nineteen hundred and seven, and every four years thereafter, if the commission shall deem it advisable

to make changes in the list of prescribed text-books, the Secretary of the commission shall notify all publishers of text-books who shall have placed their names and postoffice addresses on file with the Superintendent of Public Instruction, to be kept on file in the office of said Superintendent of Public Instruction, that the Text-Book Commission will meet, as herein provided, and will receive sealed proposals, up to twelve o'clock, noon, of said fourth Tuesday of June, for supplying the State of Nevada with a series of text-books for use in all the public schools of the State, for a period of four years from and after the first day of September, nineteen hundred and seven, in the following branches, viz: Reading, grammar, arithmetic, geography, history of the United States, physiology and hygiene, writing, spelling, drawing, music, and will also approve other books for supplemental use, as permitted in this Act. Said sealed proposals shall be made in accordance with a form to be prescribed by the commission and shall be addressed to the Superintendent of Public Instruction, Carson City, Nevada; and shall be indorsed "Sealed proposals for supplying text-books for use in the State of Nevada." Said proposals shall include a statement of the introductory price, the exchange price for new books in the hands of the dealers, the exchange price for second-hand books, and the retail price at which the publishers will agree to furnish each text-book to the school children of Nevada at one or more places in each county as shall be designated by the commission. Whenever any contract shall be terminated by reason of the failure of any contracting publisher to observe the terms of the contract, or when any contract shall cease to be in force and effect, the Text-Book Commission shall notify publishers to this effect, in the manner hereinbefore prescribed, that adoptions will be made to fill out the unexpired time of such contract, and that sealed bids shall be filed with the Superintendent of Public Instruction on or before a date to be determined by the commission, to be specified in the notification to the publishers.

Geographies, Special Matter for Nevada.

SEC. 5. The publishers, contracting and agreeing to furnish books for use in the State of Nevada under the provisions of this Act, shall cause to be prepared a special map and a special supplement descriptive of Nevada for the geography adopted by said commission. The map and special descriptive geography of Nevada shall be revised every four years by the publishers. They shall further agree to maintain the mechanical excellence of the books adopted by said commission, fully equal to the samples submitted, in binding, printing, quality of paper, and other essential features, and the books shall be of the latest revised edition.

Commission to Adopt Text-Books.

SEC. 6. It shall be the duty of said Text-Book Commission to meet at the time and place mentioned in said notice and to open all sealed proposals in public, in the presence of a quorum of said commission, to select and adopt such text-books for use in the public schools, and to approve such supplemental books as in the opinion of the commission will best subserve the educational interests of the State; *provided, how-*

ever, that the Text-Book Commission may, at its discretion, reject any and all proposals, if it be deemed by it to be to the interest of the State so to do, and call for new proposals, stating the time when such new proposals shall be opened, which time shall not be later than thirty days from the rejection of the previous proposals.

Commission's Choice to be Standard for Nevada Schools—Supplemental Books Allowed.

SEC. 7. The series of text-books so selected and approved by said Text-Book Commission shall be certified to by the President and Secretary, and said certificate, with a copy of the books named therein, shall be placed on file in the office of the Superintendent of Public Instruction. Such certificate must contain a complete list of all books adopted and approved by said commission, giving introductory, exchange, and retail prices for which each text-book will be furnished, and the names of the publishers agreeing to furnish the same. The said books named in said certificate shall, for a period of four years, from and after the first day of September next following the date of such adoption, be used in all the public schools of the State to the exclusion of all others; *provided, however*, that nothing in any part of this Act shall be construed so as to prevent the purchase or use by the district of any supplemental or reference books for use in the schools of this State.

Contracts to Name Prices and Guarantee Depositories.

SEC. 8. The Text-Book Commission shall have power to make such contracts for the purchase and use of text-books in the name of the State as they shall deem necessary for the interests of the public schools of the State. Such contracts shall set forth the introductory, exchange, and retail price of each text-book, and such prices shall not be less favorable than the prices at which such books are sold in any other State, a fair specified allowance being made for a difference in the cost of transportation and handling; and such contract shall provide, further, that the contracting publisher shall, during the life of the contract, keep on hand at one or more depositories, in each county, as shall be designated by the commission, a sufficient number of copies of such text-books to supply the needs of the schools of the State, as ordered by the keepers of said depositories.

Bonds for Contracting Publishers.

SEC. 9. All publishers contracting to furnish text-books adopted by the Text-Book Commission shall be required to give bonds in an amount equal to one-half of the value of the books to be furnished during one school year, as estimated by the Text-Book Commission, and such bonds shall be forfeited to the State Distributive School Fund if such publishers fail to comply with the terms of the contract in any county of the State; *provided, however*, that such bonds shall not be forfeited through the unauthorized action of text-book dealers in this State if such publisher shall, upon notification by the Superintendent of Public Instruction, promptly correct any violation of contract prices on the part of any local dealer. Upon information furnished by the State Text-Book Commission, the Attorney-General shall bring action for the

recovery of the amount of any such bond of any publisher who shall have failed to comply with the terms of any contract, and the full amount named in such bond shall be deemed to be fixed and liquidated damages for the breach of such contract.

Contracts, When in Effect.

SEC. 10. Such contract with the publishers of text-books shall not take effect until such publishers shall have filed with the Secretary of State, their bond, with at least two sufficient sureties, or a bond from a bonding company authorized to do business in this State, to be approved by the Governor, and in such sum as shall be determined by the Text-Book Commission.

Contracts Void, When.

SEC. 11. In case the publishers of any text-books adopted by the Text-Book Commission shall not, on or before the fifteenth day of July next following such adoption, have filed with the Secretary of State a bond as hereinbefore provided, or in case such publishers shall at any time thereafter fail to comply with the terms of such contract, and if within reasonable time, after due notice shall have been given by the Superintendent of Public Instruction, they shall have failed to comply with the conditions of the contract in any respect, the adoption of said books shall become null and void. The text-books adopted by the said Text-Book Commission under this Act shall, upon the compliance of the publishers with the aforesaid conditions, continue in use for the period of four years after the first day of September next following the date of such adoption, to the exclusion of all other text-books.

Price of Text-Books to be Promulgated.

SEC. 12. Whenever the publishers of the books adopted under the provisions of this Act shall have filed their bond as herein provided, it shall be the duty of the Superintendent of Public Instruction to cause all prices of text-books as guaranteed by the publishers to be printed and distributed among superintendents and School Trustees, and it shall be the duty of the School Trustees in each district to cause such prices to be kept constantly posted in a conspicuous place in each schoolroom.

Use of Authorized Books Compulsory—Penalty—Annual Report.

SEC. 13. The text-books adopted by the Text-Book Commission shall be used in every public school in the State in the grades for which they are adopted, and no other books shall be used as text-books in such grades; *provided, however*, that this section shall not be interpreted in such a manner as to prohibit the use of supplemental books purchased by the district. Any school officer or teacher who shall violate the provisions of this Act by requiring the pupils to use text-books other than those adopted by the Text-Book Commission, or by permitting the use of such other books as texts, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars, nor more than one hundred dollars. All superintendents and school officers are charged with the execution of this law, and the Superintendent of Public Instruction shall require the Trustees of the several school dis-

tricts, or the Clerks thereof, to report annually as to the text-books used in their schools.

Per Diem of Appointed Commissioners.

SEC. 14. The members of the State Text-Book Commission shall, with the exception of the Governor, the Superintendent of Public Instruction, and the President of the University, receive the sum of five dollars per diem for each day actually engaged in transacting the business of the commission, and actual traveling expenses. There is hereby appropriated the sum of five hundred dollars per year, or so much thereof as may be necessary to carry out the provisions of this Act, from the State General Fund. Bills for such compensation shall be allowed and paid in the usual manner. The State Text-Book Commission shall not be in session more than ten days in any one year.

Repeal.

SEC. 15. All Acts and parts of Acts in conflict with this Act are hereby repealed.

METHOD OF PROVIDING FREE TEXT-BOOKS.

CHAP. IV—*An Act to provide books, equipment, and materials, and to encourage the economic use thereof by the pupils of the public schools, and fixing penalties for its infraction.*

Approved March 22, 1909, p. 156.

To Provide Free Text-Books for Pupils, When—Election.

SECTION 1. The Board of Trustees of each school district may upon their own motion, and shall upon written demand by a number of qualified voters equal to ten per cent of the average number of children attending the public schools in said district during the preceding full school month, submit to a vote of the people, at the next ensuing general or special school election, the question of providing free text-books for the pupils attending said schools, and of levying a special tax for this purpose at a rate to be named in the demand, if demand be made, and in a notice of such election, which shall be given as required in the case of other special-tax elections.

Trustees to Levy Tax, When.

SEC. 2. If a majority of those voting at such election vote in favor of providing free text-books and of a special tax for the same, the Board of Trustees shall levy such tax, which shall be collected as other special taxes are collected and, from the fund so provided, which shall be called the book fund, shall purchase a sufficient number of authorized text-books, as they may be required, and shall loan them upon such terms, and under such rules and regulations, as may be made by said board, or as may be provided by law, to parents or guardians for the use of the pupils of the schools of said district.

District Property.

SEC. 3. All property purchased under this Act for a school district

shall be and remain the property of said district, except as otherwise provided by law.

Books, How Disposed Of.

SEC. 4. Text-books purchased under this Act may be disposed of as follows:

(a) They may be sold for cash to pupils of the public schools, or to parents or guardians of such pupils.

(b) If the Board of Trustees so decide, pupils who have completed the last two years of the course of study for the district, may, as a mark of merit, be given the permanent ownership of such four text-books used by them during their last two years of study in the schools of said district, as said pupils may select.

Parents Responsible for Books.

SEC. 5. The parents and guardians of pupils shall be responsible for all books loaned to the pupils in their charge, and shall pay to the Clerk of the Board of Trustees, for the book fund of the district, the full purchase price of every such book destroyed, lost, or so damaged as to make it unacceptable to other pupils succeeding to their classes. The Board of Trustees may also make rules for payment for slighter injuries to books.

Credits to Pupils.

SEC. 6. Credits shall be given to pupils in a ratio to be fixed by those having authority to fix ratios of credits, for the economic use and care of books in the hands of pupils, whether such books be the property of the district or otherwise.

Material Other Than Books.

SEC. 7. Equipment and materials for use in manual training, industrial training, and the teaching of domestic science, may be supplied to pupils in the same manner, out of the same fund, and on the same terms and conditions as books; *provided*, that no private ownership can be acquired in such equipment or material unless sold according to law when such equipment or material shall be no longer used or required for the schools of the district.

Other Books.

SEC. 8. Authorized supplementary books for the use of the teachers may be purchased under this Act, and shall remain the property of the school district for which purchased unless sold in accordance with law.

Tax Levy.

SEC. 9. Each year after the first introduction in any school district of the system provided for in this Act, and on or before the tenth day of January thereof, the Board of School Trustees of such district shall estimate the amount of money necessary for maintaining or increasing the supply of books, equipment, and material, or any or all of these, and proceed to levy the necessary tax therefor in the manner now provided for by law for levying a special tax not in excess of twenty-five cents on the one hundred dollars. [See Chap. II, Sec. 78.]

Not to Invalidate Existing Contracts.

SEC. 10. This Act shall not be so construed as to authorize the violation of any valid existing contract, nor to provide a means for the adoption of text-books.

Penalties.

SEC. 11. Every person violating the provisions of this Act shall be guilty of a misdemeanor, and shall be fined not more than twenty dollars (\$20) or imprisoned not more than ten (10) days, or both so fined and imprisoned.

SCHOOL TRUSTEES.

ELECTION OF TRUSTEES.

CHAP. V—*An Act providing for the date of election of School Trustees, and other matters properly connected therewith.*

Approved March 16, 1909, p. 124.

School Trustees.

SECTION 1. School districts having fifteen hundred or more school children, as shown by the last preceding school census, shall have five Trustees; other districts shall have three Trustees.

Election of Trustees.

SEC. 2. An election of School Trustees shall be held in each school district of the State on the first Saturday in April, nineteen hundred and ten, and on the same day every two years thereafter. At such elections, three Trustees shall be elected in any district having fifteen hundred or more school census children, as shown by the last preceding census, two for four years and one for two years; and two Trustees shall be elected in every other district, one for four years and one for two years.

Number of Trustees, How Determined.

SEC. 3. In any school district having for the first time fifteen hundred school census children, as determined after the election of Trustees in any year, there shall be elected at the next ensuing school trustee election two Trustees for four years and two Trustees for two years, to bring such district to the five-trustee basis; and in any district falling below such number, as determined after a school trustee election, there shall be elected at the next ensuing trustee election one Trustee for four years, to bring such district to the three-trustee basis.

Terms of Office.

SEC. 4. Trustees elected under this Act shall take office on the first Monday in May following their election; *provided*, that the Trustees elected in nineteen hundred and ten shall take office on the first Monday in July, nineteen hundred and ten, those elected for four years to serve until the first Monday in May, nineteen hundred and fourteen, and those elected for two years to serve until the first Monday in May, nineteen hundred and twelve.

Repeal.

SEC. 5. All Acts or parts of Acts in conflict herewith are hereby repealed.

CHAP. VI—*An Act to provide for the election of School Trustees and matters properly connected therewith.*

Approved March 16, 1897, p. 100.

SECTION 1. [Repealed by an Act approved March 16, 1909. See Chap. V.]

SEC. 2. [Superseded by ninth part of Sec. 2, Chap. II. (Statutes of 1907, p. 380.) *Provision for appointments to fill vacancies.*]

Election Officers Appointed.

SEC. 3. All Judges and Inspectors of Election and such other officers as may be necessary, shall be appointed by the School Trustees in each district. If the Trustees fail to appoint the election officers, or if they are not present at the time of opening the polls, the electors present may appoint them. All such officers shall serve without compensation.

Certificates of Election.

SEC. 4. The Election Board shall issue certificates of election to those receiving the greatest number of votes cast in accordance with the provisions of this Act.

Notices to be Posted.

SEC. 5. Not less than ten days before the election held under the provisions of this Act, the Trustees in each district shall post notices in three public places in the district, which notices shall specify that there will be an election held at the schoolhouse of such district and the hours between which the polls will be kept open. If the Trustees of any district shall have failed to post the notices as required by this section, then any three electors of the district may, within five days of the day of election, give notice of such election, which notices shall be sufficient for the election required by this Act, and in such case no registration shall be necessary, but all the other provisions of this Act shall be enforced.

Qualification for Voting.

SEC. 6. No person shall be allowed to vote at any school election unless he is a resident of the district and his name appears upon the official registry list of the voting precinct or precincts including the district for the last preceding general election; *provided*, that any citizen of the United States who shall have resided in this State six months, and in the school district thirty days next preceding the day of election, and whose name is not upon the said official registry list, may apply to the Clerk of the Board of School Trustees, or to a person authorized by the Trustees of the district to act as Registry Agent, not more than eight nor less than five days prior to the day of election, to have his name registered.

Relating to Registration—Form of Oath.

SEC. 7. It shall be the duty of the Clerk of the Board of School Trustees, or the person appointed by the Board of School Trustees, as the case may be, to register any qualified voter of the school district who may apply to be registered under the provisions of the preceding section; *provided*, that if the person applying to be registered be unknown to the Registry Agent, or his qualifications for voting be unknown, he shall, before having his name registered, be required to subscribe to the following oath: You do solemnly swear that you are a citizen of the United States; that you are twenty-one years of age; that you will have resided in the State six months and in this school district thirty days next preceding the day of the school election. False swearing under the provisions of this section shall be deemed perjury and punished as now provided by law.

List of Voters.

SEC. 8. No person shall be entitled to vote under the provisions of this Act except he be registered as herein provided. The Board of School Trustees shall prepare, or cause to be prepared, a list of the names of all persons entitled to vote at the school election as herein provided, which said list shall be completed at least three days prior to the day of election, and shall be under the charge of the Clerk of the Board of School Trustees and subject to the inspection of any qualified voter in the district.

List of Voters to be Prepared—Compensation Allowed.

SEC. 9. The Board of School Trustees in all districts having a voting population of fifty or more, are authorized to employ a competent person to prepare said list of qualified voters and to pay for the work out of the school fund of the district, in a manner as other claims against the district are allowed and paid, a reasonable sum, not exceeding five cents a name for each qualified voter, providing that the total amount to be allowed shall not exceed twenty dollars. The list so prepared shall be sworn to by the person making the same as correct according to his best knowledge, information, and belief.

List Delivered to Inspectors of Election.

SEC. 10. The list of qualified voters, as hereinbefore described, shall be delivered to the Inspectors of Election prior to the time of opening the polls on the day of election, and no person shall be entitled to vote at the election whose name is not on said list; *provided*, that any person whose name is left off said list by mistake, design, accident, or otherwise, may have his name placed thereon by the Inspectors of Election upon satisfactory proofs being presented of his having previously been registered in accordance with the provisions of this Act.

Voting Shall Be by Ballot.

SEC. 11. The voting shall be by ballot, either written or printed, and when two or more Trustees are to be elected for different terms, the ballot shall designate such term as "long term" and "short term," respectively.

Ballots, What to Contain—Number of Ballots.

SEC. 12. In all school districts having a voting population of one hundred or over, the Board of School Trustees shall have printed ballots of uniform size containing the names in alphabetical order, of all persons candidates for the office of School Trustee. There shall be twice as many ballots printed as there are voters in the district, and no ballots other than those furnished by the Board of School Trustees shall be voted.

How to Vote.

SEC. 13. A person desiring to vote shall, if his name be upon the registry list as herein provided, receive from the Board of Election or some member thereof, and from no other person, a ballot upon which he shall designate his choice for Trustee or Trustees to be elected in the district, by placing a cross thus: X, opposite and to the right of the name of the person for whom he intends to vote.

Ballot Can Contain.

SEC. 14. There shall be placed on the ballots, in addition to the names of the candidates, such information as the Board of Trustees may deem necessary to inform the voter how to mark his ballot, such as: "Place a cross thus: X, opposite and to the right of the name of the candidate for whom you wish to vote," "vote for one," "vote for two," etc.

Allowed at Polls—Misdemeanor.

SEC. 15. No person, other than the Board of Election or a police officer in the discharge of his duty, shall be allowed within one hundred feet of the polls, except when actually engaged in voting or in going to or from the polls for the purpose of voting or of challenging the vote of another, and excepting all persons in attendance upon any school which may be in session in the building. No person shall show his ballot to another while marking it or after marking it so as to disclose for whom he has voted, but he shall, as soon as possible after marking it, fold it so that the marking will be on the inside and return it to the Board of Election to be counted. Wilful violation of any of the provisions of this section shall constitute a misdemeanor, punishable by a fine not exceeding fifty dollars, or imprisonment in the county jail not exceeding twenty-five days, or by both such fine and imprisonment.

Assistance Allowed.

SEC. 16. No person shall receive assistance in marking his ballot unless physically unable to mark it and then only by permission of the Board of Election. A voter spoiling his ballot may procure another by delivering the spoiled ballot to the Board of Election.

Challenge—Penalty.

SEC. 17. Any registered person offering to vote may be challenged by any elector of the district, and the Judges of Election must thereupon administer to the person challenged an oath in substance as follows: You do swear that you are a citizen of the United States; that you are twenty-one years of age; that you have resided in this State

six months, and in this school district thirty days next preceding this election, and that you have not voted before this day. If he takes the oath prescribed in this section his vote shall be received, otherwise his vote must be rejected. Illegally voting under the provisions of this Act shall be punished the same as the law now provides for punishing offenses of this character.

Candidates to File Their Names With the County Clerk.

SEC. 18. In school districts having a voting population of one hundred (100) or over, candidates for the office of School Trustee shall, not later than five days before the day of election, have their names filed with the County Clerk of said county, with designation of the term of office for which they are candidates, and no names shall be placed upon the ballots unless filed within the time herein provided. *As amended, Stats. 1901, p. 54.*

Duty of Board of Election Upon Completion of Count.

SEC. 19. The Board of Election shall keep a poll list and tally sheet, which, together with the registry list and all ballots cast, shall be delivered to the County Clerk upon the count being completed, and such returns shall be kept as the law now provides for keeping returns of general elections.

Repeal.

SEC. 20. All Acts in conflict with this Act, and all parts of Acts in so far as they conflict with the provisions of this Act, are hereby repealed.

POWERS OF BOARDS OF SCHOOL TRUSTEES.

CHAP. VII—*An Act to amplify the powers of Boards of School Trustees.*

Approved March 20, 1901, p. 97.

Board of School Trustees.

SECTION 1. The Board of School Trustees of the respective school districts of the State of Nevada are hereby given such reasonable and necessary powers, not conflicting with the Constitution and laws of the State of Nevada as may be requisite to attain the ends for which the public schools are established, and to promote the welfare of school children.

To Enforce Sanitary Regulations.

SEC. 2. The School Trustees are hereby given power to make and enforce needful sanitary regulations, and to make and enforce such rules for preventing the spread of contagious and infectious diseases as they may deem necessary.

To Enforce Discipline.

SEC. 3. The School Trustees, principals, and teachers are hereby given concurrent power with the peace officers for the protection of

children on the way to and from school, and for the enforcement of order and discipline among them.

Same.

SEC. 4. The School Trustees may direct the principals and teachers employed by them to exercise such powers and authority in the schools as the Trustees are invested with under this Act.

Same Powers.

SEC. 5. Under the provisions of this Act, County Boards of Education in control of high schools shall have the same powers as are herein given to School Trustees.

Indigent Children.

SEC. 6. The School Trustees are hereby empowered to pay out of the public school funds any expenses incurred by them in applying section two of this Act to indigent children.

SEC. 7. This Act shall take effect upon its approval.

COUNTY HIGH SCHOOLS.

CHAP. VIII—*An Act permitting the establishment of County High Schools in the various counties of this State, and providing for the construction, maintenance, management, and supervision of the same, to repeal all Acts and parts of Acts in conflict herewith, and matters properly connected therewith.*

Approved March 24, 1909, p. 241.

County High Schools Established by Popular Vote.

SECTION 1. There may be established in any county in this State a high school; *provided*, that at any general or special election held in said county after the passage of this Act, a majority of all the votes cast at such election, upon the proposition to establish a high school shall be in favor of establishing and maintaining such high school at the expense of said county.

County Commissioners to Submit Question to Voters—Ballots.

SEC. 2. The Board of County Commissioners at any general election to be held in any county after the passage of this Act, upon the presentation of a petition signed by fifty or more qualified electors, taxpayers of said county, at any regular meeting of said board held not less than eight weeks before any general or special election, must make an order submitting the question of establishing, constructing, and maintaining a county high school to the qualified electors thereof. The Board of County Commissioners, upon the presentation of said petition, may order a special election for said purpose. Said election shall be conducted in the manner prescribed by law for conducting elections, and the ballots at such election shall have printed thereon the words "For a County High School" and the words "Against a County High School."

The votes cast for and against said county high school at any election therefor, shall be counted and the returns thereof made and canvassed in the manner provided for by law for counting, making returns, and canvassing the votes of a general election; *provided*, that the election officers appointed to conduct any special election held in accordance with this Act, as required by law, shall perform all services required of them by law in holding and conducting such elections, without any fees or pay therefor.

Location of School, How Determined.

SEC. 3. If a majority of the votes cast on the proposition to establish a county high school shall be in the affirmative, it shall be the duty of the Board of County Commissioners, within thirty days after canvassing said vote, to locate the high school in the place in said county where the said board shall deem most suitable and convenient for the purpose. If, within sixty days after the County Commissioners shall have located said high school, there shall be presented a certified petition bearing the signatures of at least one-fourth of the qualified voters of such county according to the last general election returns, said petition requesting a vote on the question of the location of the county high school and specifying a desired location, said Board of County Commissioners shall submit the question of such location to the voters of the county at the next general election; *provided*, that in all cases where special elections have been called by the Board of County Commissioners of any county of this State previous to the passage of this Act to submit the question of location of any county high school to the voters in any such county wherein two thousand or more votes were cast at the last general election, and wherein the assessed valuation of real and personal property is six million dollars or more, the Board of County Commissioners may, if said board deems it to the best interest of the people of such county, establish two county high schools; one at the place selected by the Board of County Commissioners and one at the place named in the petition presented to the said Board of County Commissioners praying for said special election in said county, and thereupon the said board may revoke the order calling said special election, and in such case no special election shall be held. At any general election at which the location of any county high school is submitted to the voters of the county, the form of the ballot shall be:

Shall the County High School be located at.....? { Yes.....
No.....

In other respects the provisions of the general election law shall be followed. If at any such election a majority of all voters who shall vote on the question of such location shall vote in favor of locating the county high school at the place designated in the petition, it shall be the duty of the Board of County Commissioners to cause the high school to be located at such place, not later than the first day of the next following September. While a vote on the question of changing the location of any county high school is pending, no contract for the purchase of grounds or for the erection of a building shall be made. When the location of the county high school has been finally determined, the Board of County Commissioners shall estimate the cost of purchasing

suitable grounds, procuring plans and specifications, erecting a building, furnishing the same, fencing and ornamenting the grounds, and the cost of running said school for the following twelve months; *provided*, that the estimate mentioned herein for purchasing suitable grounds, procuring plans and specifications, erecting a building, furnishing the same, and fencing and ornamenting the grounds shall not be made, if previous to the time when the Commissioners are to make such estimate the Legislature shall have authorized said county to issue bonds for such purpose.

Tax Levy.

SEC. 4. When such estimate shall have been made, the Board of County Commissioners shall thereupon immediately proceed to levy a special tax upon all the assessable property of the county sufficient to raise the amount estimated. Said tax shall be computed, entered on the tax roll, and collected in the same manner as other taxes are computed, entered, and collected, and the amount so collected shall be deposited in the county treasury and be known and designated as the "County High School Fund," and shall be drawn from the treasury in the manner now provided by law for drawing money from the treasury by School Trustees; *provided, however*, that the tax levy for purchasing suitable grounds, procuring plans and specifications, erecting a building, and furnishing the same, fencing and ornamenting the grounds, may be deferred as long as a sufficient number of suitable rooms in a public school building can be secured for the purposes of such county high school at a reasonable rental. In case such levy be deferred until after the election of a County Board of Education, the levy shall be made by the Board of County Commissioners whenever so ordered by the County Board of Education, and the Board of Education shall be charged with the duty of purchasing grounds and erecting and furnishing such school building.

Temporary County Board of Education.

SEC. 5. The Board of County Commissioners shall act as a County Board of Education in the performance of the duties hereinbefore mentioned and shall continue to perform the duties of the County Board of Education until a County Board of Education shall have been elected and qualified as hereinafter provided, and at such time the Board of County Commissioners shall transfer all property and control of said school to the County Board of Education, who shall hold the same in trust for the county.

County Board of Education Elected.

SEC. 6. At the next general election after it shall have been decided to establish a county high school there shall be elected a County Board of Education, to consist of three members, two of whom shall serve two years, and the other four years, and thereafter at each regular biennial election there shall be elected two members of said board, one of whom shall serve for two years and the other for four years. Each person elected as herein provided shall enter upon the duties of his office on the first Monday in January next following his election, and shall hold

office until his successor is elected and qualified. If at any time a vacancy shall occur on said board, it shall be the duty of the Superintendent of Public Instruction to appoint a member for the unexpired term.

Duties of Board.

SEC. 7. It shall be the duty of the County Board of Education to furnish, annually, an estimate of the amount of money needed to pay all the necessary expenses of running said school; to enforce the uniform high-school course of study adopted by the State Board of Education; to employ teachers holding Nevada State certificates of the high-school grade in full force and effect; to hire janitors and other employees, and discharge such employees when sufficient cause therefor shall exist; and to do any and all other things necessary to the proper conduct of the school. [See also Chap. VII, Sec. 5.]

Tax Levy.

SEC. 8. It shall be the duty of the Board of County Commissioners to include in their annual tax levy the amount estimated by the County Board of Education as needed to pay the expenses of conducting the county school; and such amount, when collected and paid into the county treasury, shall be known as the "County High School Fund," and may be drawn therefrom for the purpose of defraying the expenses of conducting said county high school, in the manner now provided by law for drawing money from the county treasury by School Trustees.

Eligible Pupils.

SEC. 9. All county high schools shall be open for the admission of graduates holding diplomas from the eighth grade of the elementary schools of the State; *provided*, that the examinations for the said diplomas shall have been given under the direction and authority of the State Board of Education; and to such other pupils as shall pass the examination for admission to the county high school, which examination shall be conducted under the direction and authority of the State Board of Education.

Principal May Supervise Other Schools.

SEC. 10. Nothing in this Act shall be construed so as to prevent the principal of the county high school from acting as principal of the grammar school of the district in which the county high school is located if so desired by the Trustees of said school district and the County Board of Education.

Under General Laws.

SEC. 11. The county high school shall be under the same general supervision and shall be subject to the same laws, rules, and regulations governing the other schools of the state school system.

Dormitories and Dining Hall.

SEC. 12. The County Board of Education is hereby empowered to provide for the rental, purchase, or erection of a suitable dormitory or dormitories and dining hall for high-school students, and to provide for the support, maintenance, and management of the same. The said

dormitory or dormitories shall be considered part of the regular high-school equipment and organization.

Repeal.

SEC. 13. All Acts and parts of Acts in conflict with this Act are hereby repealed.

NORMAL TRAINING SCHOOLS.

CHAP. IX—*An Act for the establishment of Normal Training Schools and for the maintenance and control of the same.*

Approved March 20, 1909, p. 174.

How Established.

SECTION 1. Upon notification by the County Board of Education in counties where a county high school is in operation, and of the Board of Trustees of the school district in which the county-seat is located, in counties not having an established county high school, that the said County Board of Education or Board of Trustees and the Board of County Commissioners of the county have decided by a majority vote of each of the said boards to establish a normal training school, and that there are at least five bona fide applicants for a normal training course in such school, the State Board of Education shall, subject to the provisions herein named, grant permission to establish and maintain a normal training school for the purpose of giving free instruction and training in the principles of education and methods of teaching to residents of this State; *provided*, that no such normal training school shall be established in any county having within its borders a State Normal School or State University; *and, provided further*, that but one such normal training school shall be established in any county.

Training School Board.

SEC. 2. The State Board of Education shall constitute the Normal Training School Board.

Duties of Normal Training School Board.

SEC. 3. The duties of the Normal Training School Board shall be as follows:

First—To determine the qualification for admission to the normal training school; *provided*, that applicants who do not hold a diploma from an accredited high school or a teacher's certificate of at least the primary grade shall be required to pass an entrance examination. And said examination shall include all subjects taught in the high schools as provided by the laws of this State.

Second—To establish a course of study to be pursued for a period of not less than thirty-six weeks.

Third—To grant certificates of graduation to such persons as finish the course adopted in such form as the Normal Training School Board shall prescribe.

Graduation Certificate.

SEC. 4. The certificate of graduation shall entitle the holder thereof to the state teachers' certificate of the rural grammar-school grade without further examination, and said certificate shall entitle the holder thereof to teach in any of the rural schools of this State not employing more than one teacher, and said certificate shall not be good for more than three years and shall in no case be renewable.

Provisions for Maintaining Schools.

SEC. 5. For the purpose of maintaining such normal training schools as are herein described, it is further provided:

First—That the county in which a normal training school shall be established shall provide rooms with heating and equipment satisfactory to the Normal Training School Board for the purposes of such school.

Second—Upon certification of the State Board of Education that a normal training school has been established in any county, that the school has been properly equipped, that at least five bona fide students are in actual attendance, and that a competent normal-training teacher is employed, the State Controller shall on the first day of October and the first day of February of each year set aside from any money in the State General Fund not otherwise appropriated, a sum designated by the State Board of Education not exceeding nine hundred dollars and not less than six hundred dollars, to be known as the Normal Training School Salary Fund for County, to be used in payment of the teacher's salary and to be drawn from the State Treasury in the usual manner. Any money remaining in such fund on the thirty-first day of August of each year shall revert to the State General Fund.

Third—In any county establishing a normal training school the Normal Training School Board shall, previous to the first day of September in each year, estimate the cost of maintaining the rooms and equipment of the normal training school for the ensuing year and certify the amount estimated to the Board of County Commissioners of said county; *provided*, such estimate shall not exceed the amount of five hundred dollars for any one year. Claims for equipment and maintenance shall be just and legal charges upon the general fund of said county; *provided*, that not more than the amount estimated shall be allowed for any one year.

Authority Conferred.

SEC. 6. The Normal Training School Board is hereby given the power to make and put into effect any and all rules and regulations necessary to the proper conduct of any normal training school established under and by virtue of the provisions of this Act.

UNION SCHOOL DISTRICTS.

CHAP. X—*An Act to provide for Union School Districts, and matters properly connected therewith.*

Approved March 3, 1909, p. 49.

How Established.

SECTION 1. On the recommendation of the Superintendent of Public Instruction, the Boards of School Trustees of any contiguous school districts in the same county or in adjoining counties may, in joint meeting of the two boards, unite the two districts and establish a union school to be supported out of the funds belonging to the respective districts.

Joint Board to Govern—More Than One School or Grade, When.

SEC. 2. The school thus established shall be governed by a joint board, composed of the Trustees of the combining districts; *provided*, that school may be maintained at more than one point in the union district thus formed, if found necessary or advisable; *and provided further*, that the classes and grades in the two districts shall be arranged with reference to the convenience of the children and the efficient and economical management of the school. In case of a disagreement of the joint board as to the arrangement and distribution of the various classes and grades in the two districts, the Superintendent of Public Instruction shall determine the same.

Expenses, How Paid.

SEC. 3. A majority of the members of the joint board shall constitute a quorum for the transaction of business. Vouchers shall be made out on the separate district funds for the pro rata of monthly expenses, as agreed upon by the joint board, and these vouchers shall be signed by the President and Clerk of the School Board in the district on whose fund the vouchers are drawn.

District Dissolved, When.

SEC. 4. The union school, or district, herein provided for may be dissolved in July of any year by mutual consent or action of the Boards of School Trustees in the districts interested, or by the unanimous action of the School Board of either district; *provided*, that no indebtedness incurred by the joint board exists; *and provided further*, that in case of dissolution by action of only one of the two districts as herein prescribed, at least thirty days' notice of intention to dissolve shall have been given to the joint board.

Repeal.

SEC. 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

ENLARGEMENT OF SCHOOL DISTRICTS.

CHAP. XI—*An Act to authorize Boards of County Commissioners to enlarge the boundaries of certain school districts or to consolidate two or more into one, and matters properly connected therewith.*

Approved March 11, 1909, p. 87.

Districts Enlarged or Consolidated.

SECTION 1. The Board of County Commissioners in any county, on the recommendation of the Superintendent of Public Instruction, and without formal petition, may enlarge the boundaries of any school district, wherein there may be uncertainty of maintaining the minimum requirement of five school census children, sufficiently beyond the sixteen-mile-square limit to include five or more school census children actually residing, and not temporarily living, therein, or the board, upon the recommendation of the Superintendent, may consolidate two or more such districts or parts of districts into a single district.

Property of Consolidated Districts.

SEC. 2. In case of the consolidation of two or more districts as herein provided for, the property of the separate districts shall become the property of the district thus formed, and any money in the fund of a district consolidated with another shall, on notice given by the Superintendent of Public Instruction, be transferred by the County Auditor and the County Treasurer to the credit of the district so formed.

Board Appointed, When.

SEC. 3. When a district is formed by consolidation as herein provided, the Superintendent of Public Instruction shall appoint a Board of School Trustees therefor; he shall determine the points therein where instruction is to be given, and shall aid the Trustees in making necessary provision for carrying out the purposes of this Act.

Repeal.

SEC. 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

EMERGENCY FUND FOR NEW DISTRICTS.

CHAP. XII—*An Act to provide an Emergency School Fund for new school districts, prescribing its use and manner of disbursement, and other matters properly connected therewith.*

Approved February 13, 1909, p. 20.

Emergency School Fund Created—\$3,000 From General Fund.

SECTION 1. At the time of the apportionment of money in the State Distributive School Fund in January and July of each year, the Superintendent of Public Instruction, before making such apportionment, shall set aside from said fund the sum of three thousand dollars, the same to constitute and be known as the Emergency School Fund; and

he shall at once notify the State Controller and the State Treasurer of his action; *provided*, that there is hereby appropriated from the State General Fund the sum of three thousand dollars, which is to constitute the Emergency School Fund until the next apportionment of money in the State Distributive School Fund in July, nineteen hundred and nine.

For Districts Formed After Regular Apportionment.

SEC. 2. The Emergency School Fund, or such portion thereof as the State Board of Education shall deem advisable, shall be used as hereinafter provided for payment of a teacher's salary in any legally constituted school district formed after the regular apportionment in January and July of any year and not consisting mainly or wholly of census children and territory theretofore included in an established school district.

Conditions Before Money Is Distributed.

SEC. 3. Before any portion of the Emergency School Fund is distributed to any school district that may be entitled thereto under the provisions of this Act, the Superintendent of Public Instruction shall cause a census to be taken and shall satisfy himself that a competent teacher has been employed and that a suitable building has been provided.

Basis of Distribution.

SEC. 4. The money in the Emergency School Fund, or such part thereof as may be necessary, shall be distributed to the various districts entitled thereto on the basis of teachers—one teacher to every fifty census children, or fraction thereof; and not more than two hundred and fifty dollars shall be allowed for any one teacher. The money thus distributed shall be used only for the payment of salaries of teachers. The Superintendent of Public Instruction shall submit to the State Board of Education lists of school districts entitled to money under the provisions of this Act, and estimates of the amount of money necessary for each district.

But One Apportionment to Each District From Emergency Fund.

SEC. 5. No more than one apportionment shall be made to any one school district from the Emergency School Fund. But at the general apportionments thereafter such district shall be entitled to its share of the State Distributive School Fund and of the general school fund of the county in which the district is located, the census provided for in section three of this Act serving as the basis of apportionment until the general school census is available therefor.

State Board of Education to Approve.

SEC. 6. Upon the approval by the State Board of Education of the amounts to be distributed, the Superintendent of Public Instruction shall draw his order on the State Controller for the sum to be sent from the Emergency School Fund to any county, and the State Controller shall thereupon draw his warrant on the State Treasurer therefor, and the State Treasurer shall pay over the money to the County Treasurer,

or Treasurer named. The Superintendent of Public Instruction shall inform the County Auditor and the County Treasurer of any county to which money is thus sent, of the amount set aside for any school district or districts in that county; and such money shall be applied by the Board or Boards of School Trustees thereof for the purpose named in this Act, and disbursed in the manner prescribed by law.

Residue to Revert.

SEC. 7. Any money remaining in the Emergency School Fund on the thirty-first day of December of any year shall revert to the State Distributive School Fund.

In Effect.

SEC. 8. This Act shall take effect upon approval.

ABOLISHED SCHOOL DISTRICTS.

CHAP. XIII—*An Act to provide for the disposal of the funds and property of abolished school districts.*

Approved March 5, 1909, p. 70.

Certain Moneys to Revert.

SECTION 1. All moneys remaining to the credit of any school district which has been legally abolished, by action of the Board of County Commissioners of the county in which the district is situated, shall revert to the county school fund of the said county.

Property of Abolished School District to be Sold.

SEC. 2. All property, real and personal, of any abolished school district shall revert to the county in which the said district is situated, and the Board of County Commissioners are hereby authorized to control and manage, rent, or sell such reverted school property in the manner prescribed for the sale of county property; *provided*, that in case the said Board of County Commissioners shall find all of the real and personal property of any abolished district to be of a value less than one hundred dollars, the same may be sold without publication of notice and to the highest bidder for cash at private sale.

Disposal of Proceeds.

SEC. 3. All the moneys derived from the sale or rent of reverted school property shall be paid into the county school fund.

In Effect.

SEC. 4. This Act shall take effect immediately.

SCHOOL DISTRICT BONDS.

CHAP. XIV—*An Act to amend an Act entitled "An Act to enable the several school districts of the State to issue negotiable coupon bonds for the purpose of erecting and furnishing school buildings, or purchasing grounds, or for refunding floating funded debts, and providing for the payment of the principal indebtedness thus authorized and the interest thereon," approved March 12, 1907.*

Approved February 8, 1908, p. 34.

Bonds May Be Issued.

SECTION 1. Any school district of the State, now existing or which may hereafter be created, is hereby authorized to borrow money for the purpose of erecting and furnishing a school building or buildings, maintaining the same, purchasing grounds on which to erect such building, or buildings, or for refunding floating indebtedness, or for any or all of these purposes, by issuing negotiable coupon bonds of the district in the manner by this Act provided. *As amended, Stats. 1909, p. 178.*

Question of Issuing Bonds Submitted to Popular Vote.

SEC. 2. When the Board of Trustees of any school district shall deem it necessary to incur an indebtedness authorized by this Act by issuing the negotiable coupon bonds of the district, such Board of Trustees shall first determine the amount of such bonds to be issued, and a certificate of such determination shall be made and entered in and upon the records of said district. Thereupon the Board of School Trustees shall, by resolution duly made and entered in and upon the records of said board, submit the question of contracting a bonded indebtedness for any of the purposes authorized by this Act to a vote of the duly qualified electors of the district at the next general election of the School Trustees, or at a special election which the School Trustees are hereby authorized to call for such purpose.

Election, How Conducted—Election Notice, What to Contain.

SEC. 3. The election provided in this Act shall be called and held, and the vote canvassed and returned, in all respects as nearly as may be in accordance with the provisions of law now governing the election of School Trustees; *provided*, that if there is a newspaper published in the school district, the notice shall be published for at least once a week for two successive weeks, preceding said election. The election notice must contain:

First—The time and place of holding such election.

Second—The names of Inspectors and Judges to conduct the same.

Third—The hours during the day in which the polls will be open.

Fourth—The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding twenty, the bonds are to run. All persons voting on the question submitted at such election shall vote by separate ballot whereon is placed the words "For the Bonds" or "Against the Bonds." The ballots shall be deposited in a separate box provided by the School Trustees for that purpose.

Bonds to Run No Longer Than Twenty Years—Sale of Bonds to be Published.

SEC. 4. If upon the official determination of the result of such election it appear that a majority of all the votes cast are "For the Bonds," the Board of Trustees, as soon as practicable, shall issue the negotiable coupon bonds of the district in such form and denomination as the Board of Trustees may direct, said bonds to run for a period not to [exceed] twenty (20) years from the date of issue, and bearing interest at a rate not exceeding eight (8) per cent per annum, payable semi-annually, both principal and interest payable at such place as the Board of Trustees may direct, said bonds not to be sold for less than their par value. And before said sale is made notice of such proposed sale must be given by publication, in a newspaper, if there is a newspaper published in the district, for at least one week before said bonds are disposed of, inviting sealed bids to be made for said bonds, and said bonds are to be sold to the highest and best bidder for said bonds; *provided*, if there is no newspaper published in said school district, the notice herein provided for shall be given by posting in three public places in said school district for at least ten days before said bonds are disposed of.

Bonds Signed—Seal.

SEC. 5. All bonds issued under the provisions of this Act shall be signed by the Chairman of the Board of Trustees and be duly attested by the Clerk thereof, and shall bear the seal of the district if the district has a seal, and shall be countersigned by the County Treasurer.

Register of Bonds.

SEC. 6. Before any district shall issue bonds under the provisions of this Act, all such bonds shall be presented to the Treasurer of the county to be duly registered by him in a book kept for that purpose in his office, which registry shall show the school district, the amount, the time of payment, and the rate of interest, and all such bonds shall bear the certificate of the County Treasurer to the effect that they are issued and registered under the provisions of this Act. After such registry the bonds shall be at the disposal of the Board of Trustees of the district issuing the same, to be sold for the purpose of raising funds for the objects designated by this Act.

Special Tax for Interest and Redemption of Bonds—Sinking Fund.

SEC. 7. Whenever any school district shall issue any bonds under the provisions of this Act it shall be the duty of the Board of Commissioners of the county in which such district may be situated to levy and assess a special tax on all the taxable property of such district in an amount sufficient to pay the interest thereon when the same shall become due according to the tenor and effect of said bonds, and the County Treasurer shall collect the same as other taxes are collected, in cash only, keeping the same separate from other funds received by him; and if there shall be any surplus after paying said interest and the expenses of collecting such special tax, the Treasurer shall without delay pass

the same to the credit of such school district, and such funds so passed to the credit of the district shall be subject to the disposal of the Board of Trustees; and beginning with the year the bonds are issued, and annually thereafter, until the full payment of said bonds has been made, the Board of County Commissioners of the county in which said school district is situated shall levy and assess a special tax, and shall cause said special tax to be collected on all property of the school district, including the net proceeds of mines, sufficient to pay annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run, which amount shall be levied, assessed, and collected in the same manner as the tax for the payment of the interest coupons and when collected shall be known as the "Sinking Fund," and shall be used only in the payment of such bonds. The sinking fund thus provided may be applied to the purchase and cancelation of the outstanding bonds of the district. At the maturity of such bonds the County Treasurer shall call in and pay such bonds and accrued interest thereon and duly cancel the same, and certify his action to the Board of Trustees of the school district.

Change in Boundary Not to Release Property for Taxes.

SEC. 8. No change in the boundary lines of any school district shall release the taxable real property of the district from assessment and levy of the taxes to pay the interest and principal of such bonds, and if there shall be any change in the boundary of such school district so as to leave any portion of the taxable real property of the district which was subject to taxation in the district at the time of the issue of such bonds, the assessment and levy of taxes for the payment of the principal and interest of such bonds shall be made on such property as if it were still within the district, and if there shall be any change of the boundary lines of such school district so as to annex or include any taxable or real property, after the issue of such bonds, the real property so included or annexed shall thereafter be subject to the assessment and levy of a tax for the payment of the principal and interest of such bonds. [See also Chap. XVI.]

Taxes Constitute Lien on Property.

SEC. 9. All taxes levied and assessed as in this Act provided shall constitute a lien on the property charged therewith, from the date of the levy thereof by the County Commissioners, or the entry thereof on the assessment roll of the County Auditor, until the same are paid, and thereafter, if allowed to become delinquent, shall be enforced in the same manner as is now provided by law for the collection of state and county taxes. And no additional allowance, fee, or compensation whatever shall be paid to any officer for carrying out the provisions of this Act.

Repeal.

SEC. 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

BONDS FOR MANUAL TRAINING.

CHAP. XV—*An Act to enable school districts to issue negotiable coupon bonds for the purpose of erecting, furnishing, equipping, and maintaining buildings for industrial training, manual training, domestic science, and agriculture, or for any one or all of these purposes, and providing for the payment of the principal indebtedness and the interest thereon, and other matters properly connected therewith.*

Approved March 16, 1909, p. 122.

Bonds for Various Purposes.

SECTION 1. Any school district of the State is hereby authorized to borrow money for the purpose of purchasing grounds, erecting buildings, and furnishing, equipping, and maintaining the same, for instruction in industrial training, manual training, domestic science, and agriculture, or for any one or all of these purposes, by issuing negotiable coupon bonds of the district.

Under General Act.

SEC. 2. Such bonds shall be determined upon, submitted to vote of the district interested, authorized, issued, and paid, in accordance with the provisions of the general law for bonding school districts, as approved March 12, 1907, and as amended February 8, 1908.

In Effect.

SEC. 3. This Act shall take effect upon its passage and approval.

SECURITY OF SCHOOL BONDS.

CHAP. XVI—*An Act to protect the security of school bonds.*

Approved March 13, 1909, p. 94.

Change of School Districts Not to Release Responsibility for Bonds.

SECTION 1. No change in the boundary lines of any school district that has been, or may hereafter be, bonded for school purposes shall operate to release any part of the property of such district, as existing prior to such change, from taxation for payment of the outstanding bonds issued prior thereto.

In Effect.

SEC. 2. This Act shall take effect upon its passage and approval.

COMPULSORY EDUCATION.

CHAP. XVII—*An Act providing for compulsory education and other matters properly connected therewith, providing for penalties for the violation of any of the provisions thereof, and repealing any and all prior laws on the subject of compulsory education.*

Approved March 20, 1909, p. 147.

Various Excuses for Non-Attendance.

SECTION 1. Each parent, guardian, or other person, in the State of Nevada, having control or charge of any child between the ages of eight and sixteen years shall be required to send such child to a public school during the time in which a public school shall be in session in the school district in which said child resides; but such attendance shall be excused:

1. When satisfactory evidence is presented to the Board of Trustees of the school district in which such child resides, that the child's bodily or mental condition is such as to prevent or render inadvisable attendance at school, or application to study. A certificate from any reputable physician that the child is not able to attend school, or that its attendance is inadvisable, must be taken as satisfactory evidence by any such board;

2. When the child has already completed the eight grades of the prescribed grammar-school course;

3. When satisfactory evidence is presented to the Board of Trustees that the child is being taught in a private school, or by a private tutor, or at home, by any person capable of teaching in such branches as are usually taught in the primary and grammar schools of this State;

4. When satisfactory evidence is presented to the Board of Trustees that the child's labor is necessary for its own or its parent's support;

5. When the District Superintendent shall determine that the child's residence is located at such distance from the public school as to render attendance impracticable or unsafe.

Truancy Defined.

SEC. 2. Any child shall be deemed a truant, in the meaning of this Act, who shall have been absent from school, without valid excuse, more than three days; and absence for any part of a day shall be considered as absence for that entire day. The teacher, attendance officer, or other person connected with the schools, shall send or deliver a written notice of such truancy to the parent, guardian, or other person, having control or charge of the child. After such notice has thus been furnished or sent to said parent, guardian, or other person, any child who is absent from school thereafter within the school year, without valid excuse, one or more days or parts thereof, shall again be deemed a truant. Any child shall be declared an habitual truant who shall have been deemed a truant three or more times within the school year. Any child who has once been declared an habitual truant and who in a succeeding year is absent from school, without valid excuse, for one or more days or parts thereof, may again be declared an habitual truant.

Punishment of Parent.

SEC. 3. Any parent, guardian, or other person having control or charge of any child, to whom notice has been given of truancy, as provided in section two of this Act, and who fails to prevent the child's subsequent truancy within that school year, shall be deemed guilty of a misdemeanor, and upon conviction shall be liable, for the first offense, to a fine of not more than ten dollars or imprisonment for not more than five days, and for each subsequent offense he shall be liable to a fine of not less than ten or more than fifty dollars, or to imprisonment for not less than five nor more than twenty-five days, or to both such fine and imprisonment.

School Trustees to Make Investigation.

SEC. 4. The Board of Trustees of any school district shall, on the complaint of any person, make a full and impartial investigation of all charges against parents or guardians or other persons having control or charge of any such child, for violation of any of the provisions of this Act. If it shall appear upon such investigation that any such parent or guardian or other person has violated any of the provisions of this Act, it is hereby made the duty of the Clerk of such Board of Trustees to make and file in the proper court a criminal complaint against such parent, guardian, or other person, charging such violation, and to see that such charge is prosecuted by the proper authorities; *provided*, that in such school districts having an attendance officer, such officer, shall, if so directed by the Board of Trustees, make and file such complaint, and see that such charge is prosecuted by the proper authorities.

Trustees May Appoint and Remove Attendance Officer.

SEC. 5. The Board of Trustees of any school district may appoint and remove at pleasure an attendance officer and shall fix the compensation therefor, and shall prescribe the duties of said officer, not inconsistent with law, and make rules and regulations for the performance thereof. It shall be the duty of the attendance officer, or any peace officer, or any other school officer, to arrest during school hours, without a warrant, any child between the ages of eight and sixteen years, who has been reported to him by the teacher, the City Superintendent, or other person connected with the schools, as an absentee from instruction upon which he is lawfully required to attend within the school district. Such arresting officer shall forthwith deliver the child so arrested to the teacher, parent, guardian, or other person having control or charge of said child.

Separate Rooms for Habitual Truants.

SEC. 6. Boards of Trustees are hereby authorized to set apart any school building or buildings or any room or rooms in any school building or buildings for the establishment of special or ungraded schools, to provide for the instruction of habitual truants as defined in section two of this Act, or for pupils who have been insubordinate or disorderly during attendance at school. Boards of Trustees are also authorized to purchase sites and erect buildings for such purposes, in the same man-

ner as other school sites and school buildings may be purchased and erected; or Boards of Trustees may rent suitable property for special or ungraded rooms without being so directed by vote of the district. Teachers of such special or ungraded schools shall have the same qualifications as other teachers in the grades, and shall be paid from the same funds. Boards of Trustees are hereby authorized to assign habitual truants and other pupils who have been insubordinate or disorderly during attendance at school to such special and ungraded schools for a period not to exceed the remainder of the school year. Such pupils, however, may be restored to their former room or grade when in the judgment of the board there has been sufficient improvement to warrant the belief that their example and influence will no longer be a detriment to the room to which they shall return.

Persons Encouraging Truancy Punished.

SEC. 7. Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than fifty dollars or by imprisonment of not more than twenty-five days, or by both such fine and imprisonment. The attendance officer or any other school officer is hereby empowered to visit any place or establishment where minor children are employed to ascertain whether the provisions of this law are duly complied with, and may demand from all employers of such children a list of children employed, with their names and ages.

Punishment for False Statements.

SEC. 8. Any parent, guardian, or other person who makes a false statement concerning the age or school attendance of a child between the ages of eight and sixteen years who is under his control or charge, such false statement being made with intent to deceive under this Act, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not more than fifty dollars or by imprisonment of not more than twenty-five days, or by both such fine and imprisonment.

Disposal of Fines.

SEC. 9. All fines collected under the provisions of this Act shall be paid into the Permanent School Fund of the State.

Repeal.

SEC. 10. Any and all Acts which have been previously passed on the subject of compulsory education are hereby repealed.

DEPENDENT, NEGLECTED, AND DELINQUENT CHILDREN.

CHAP. XVIII—*An Act relating to children who are now or who may hereafter become dependent, neglected, or delinquent, to define these terms and to provide for the treatment, control, maintenance, protection, adoption, and guardianship of the person of such child or children.*

Approved March 24, 1909, p. 229.

SECTION 1. *Definition.* That all persons under the age of twenty-one years, shall, for the purpose of this Act only, be considered wards of this State and their persons shall be subject to the care, guardianship, and control of the court as hereinafter provided. For the purpose of this Act the words "dependent child" and "neglected child" shall mean any male child who, while under the age of seventeen years, or any female child who, while under the age of eighteen years, for any reason is destitute, homeless, or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill-fame, or with any vicious or disreputable person, or has a home which by reason of neglect, cruelty, or depravity, on the part of its parents, guardian, or any other person in whose care it may be, is an unfit place for such child; and any child who, while under the age of ten years, is found begging, peddling, or selling any article or articles, or singing, or playing any musical instrument for gain upon the street or giving any public entertainments, or accompanies or is used in the aid of any person so doing. The words "delinquent child" shall mean any male child who, while under the age of seventeen years, or any female child who, while under the age of eighteen years, violates any law of this State; or is incorrigible, or knowingly associates with thieves, vicious, or immoral persons; or without just cause, and without the consent of the parents, guardian, or custodian absents itself from its home or place of abode, or is growing up in idleness or crime; or knowingly frequents or visits a house of ill-fame or ill-repute; or knowingly frequents or visits any policy shop or place where any gaming device is operated; or patronizes, visits, or frequents any saloon or dramshop where intoxicating liquors are sold; or patronizes any public poolroom where the game of pool or billiards, is being carried on for pay or hire; or who wanders about the streets in the night time without being on any lawful business or lawful occupation; or habitually wanders about any railroad yards or tracks or jumps or attempts to jump onto any moving train; or enters any car or engine without lawful authority, or writes or uses vile, obscene, profane, or indecent language, or smokes cigarettes in any public place or about any schoolhouse; or is guilty of indecent, immoral, or lascivious conduct; any child committing any of these acts shall be deemed a delinquent child and when proceeded against, such proceeding shall be on behalf of the State in the interest of the child and the State, with due regard for the rights and duties of parents and others, by petition to be filed by any reputable person, and to that end it shall be dealt with, protected, and cared for in the probate or chancery court as a ward of the State in the manner

hereinafter provided. A deposition of any child under this Act or any evidence given in such cause, shall not, in any civil, criminal, or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this Act; nor shall the name of any such child in connection with any proceedings under this Act be published in any newspaper, without a written order of the court. The word "child" or "children" may be held to mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this Act. The word "association" shall include any association, institution, or corporation which include in their purposes the care or disposition of children, coming within the meaning of this Act.

SEC. 2. *Jurisdiction.* The District Courts of the several Judicial Districts in this State shall have original jurisdiction in all cases coming within the terms of this Act. In all trials under this Act, any person interested therein may demand a jury of six or twelve persons, or the Judge of his own motion may order a jury of the same number to try the case.

SEC. 3. *Juvenile Department.* The findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Department," and the court may for convenience be called the "Juvenile Department of the District Court."

SEC. 4. *Petition to the Court.* Any reputable person, being a resident of the county, may file with the Clerk of the court having jurisdiction of the matter, a petition in writing setting forth that a certain child, naming it, within his county, is either dependent, neglected, or delinquent as defined in section one hereof; and that it is for the interest of the child and this State that the child be taken from its parent, parents, custodian, or guardian and placed under the guardianship of some suitable person to be appointed by the court; and that the parent, parents, custodian, or guardian of such child, are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate, correct, control, or discipline such child, or that the parent, parents, guardian, or custodian consent that such child shall be taken from them. The petition shall also set forth either the name, or that the name is unknown to petitioner (*a*) of the person having the custody of such child; and (*b*) of each of the parents or the surviving parent of a legitimate child; or of the mother of an illegitimate child; or (*c*) if it allege that both such parents are, or such mother is, dead, then of the guardian, if any, of such child; or (*d*) if it allege that both such parents are or that such mother is dead and that no guardian of such child is known to petitioner. All persons so named in such petition shall be made defendants by name and shall be notified of such proceedings by summons if residents of this State in the same manner as is now or may hereafter be required in court proceedings by the laws of this State except only as herein otherwise provided. All persons, if any, who or whose names are stated in the petition to be unknown to petitioner, shall be deemed and taken as defendants by the name or designation of "all whom it may concern." The petition shall be verified by affidavit, which affidavit shall be sufficient upon information

and belief. Process shall be issued against all persons made parties by the designation of "all whom it may concern" by such description, and notice given by publication as is required in this Act shall be sufficient to authorize the court to hear and determine the suit as though the parties had been sued by their proper names.

SEC. 5. *Summons.* The summons shall require the person alleged to have the custody of the child to appear with the child at the time and place stated in the summons; and shall also require all defendants to be and appear and answer the petition on the return day of the summons. The summons shall be made returnable at any time within twenty days after the date thereof and may be served by the Sheriff, or by any duly appointed probation officer, even though such officer be the petitioner. The return of such summons with indorsement of service by the Sheriff or by such probation officer in accordance herewith shall be sufficient proof thereof.

Whenever it shall appear from the petition or from affidavit filed in the cause that any named defendant resides or hath gone out of the State, or on due inquiry cannot be found, or is concealed within this State or that his place of residence is unknown so that process cannot be served upon him, or whenever any person is made defendant under the name or designation of "all whom it may concern," the Clerk shall cause publication to be made once in some newspaper of general circulation published in his county, and if there be none published in his county, then in a newspaper published in the nearest place to his county in this State, which shall be substantially as follows:

A, B, C, D, etc. (here giving the names of such named defendants, if any), and to "all to whom it may concern" (if there be any defendant under such designation):

Take notice that on the day of, A. D. 19...., a petition was filed by in the Court of County to have a certain child named declared a (dependent or delinquent) and to take from you the custody and guardianship of said child (and if the petition prays for the appointment of a guardian with power to consent to adoption, add and to give said child out for adoption).

Now, unless you appear within ten days after the date of this notice and show cause against such application, the petition shall be taken for confessed and a decree granted.

Dated (the date of publication)., Clerk.

And he shall also within ten days after the publication of such notice send a copy thereof by mail, addressed to such defendants whose place of residence is stated in the petition, and who shall not have been served with summons. Notice given by publications as is required by this Act shall be the only publication notice required either in the case of residents, non-residents, or otherwise. The certificate of a Clerk that he has sent such notice in pursuance of this section shall be evidence thereof. Every defendant who shall be duly summoned shall be held to appear and answer either in writing or orally in open court on return day of the summons or if such summons shall be served less than one day prior to the return day then on the following day. Every defendant who shall be notified by publication as herein provided shall

be held to appear and answer either in writing or orally in open court within twenty days after the date of the publication notice. The answer shall have no greater weight as evidence than the petition. In default of an answer at the time or times herein specified or at such further time as by order of court may be granted to a defendant, the petition may be taken as confessed. If the person having the custody or control of the child shall fail without reasonable cause to bring the child into court, he may be proceeded against as in case of contempt of court. In case the summons shall be returned and not served upon the person having the custody or control of such child or such person fails to obey the same and in any case when it shall be made to appear to the court by affidavit, which may be on information and belief that such summons will be ineffectual to secure the presence of the child, a warrant may be issued on the order of the court either against the parents or either of them, or guardian, or the person having the custody or control of the child or with whom the child may be or against the child itself to bring such person into court. On default of the custodian of the child or on his appearance or answer, or on the appearance in person of the child in court with or without the summons or other process and on the answer, default, or appearance, or written consent to the proceedings of the other defendants thereto, or as soon thereafter as may be, the court shall proceed to hear evidence. The court may, in any case when the child is not represented by any person, appoint some suitable person to act on behalf of the child. At any time after the filing of the petition and pending the final disposition of the case, the court may continue the hearing from time to time and may allow such child to remain in the possession of his custodian or in its own home subject to the friendly visitation of a probation officer, or it may order such child to be placed in the custody of a probation officer of the court, or of any suitable person appointed by the court, or to be kept in some suitable place provided by the city or county authorities.

SEC. 6. *Probation Officers.* The District Courts in this State shall have authority to appoint any number of discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the county treasury except as herein provided. It shall be the duty of the Clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to such court such information and assistance as the court or Judge may require, and to take charge of any child before and after the trial as may be directed by the court. The number of probation officers to receive compensation from the county, named and designated by the District Court, shall be as follows: In all counties in this State the District Judge may appoint one probation officer, whenever in the opinion of the District Judge, the District Superintendent of Schools, in which district said county may be located, or be a part thereof, and a majority of the Board of County Commissioners of said county shall deem such appointment necessary to care for the depend-

ent and delinquent children of the county; *provided*, such probation officer can be removed from office at any time by the said District Judge. The salary of said probation officer shall not exceed the sum of eighteen hundred dollars a year, and the expenses of such probation officer for probation work shall not exceed the sum of seven hundred and fifty dollars per year; *provided*, that the said probation officer can be appointed for any portion or part of a year as the said District Judge may determine, and can be paid for the time and period said probation officer serves under such appointment. The salary and expenses of the probation officer shall be paid out of the county funds in the county treasury in monthly installments. Any District Judge appointing such probation officer to receive a salary or other compensation from the county provided for under this Act, shall transmit such appointment to the District Superintendent of Schools of the district of which the county in which said appointment is made is a part, the State Superintendent of Public Instruction, and the Governor of this State, who shall constitute a board to investigate the competency of such person so appointed to act as a probation officer, and it shall be the duty of a majority of said board to approve or disapprove of such appointee, within thirty days after submission thereof by the said District Court, and a failure to act thereon within such time shall constitute an approval of such appointment; if a majority of such board are of the opinion that such appointee does not possess the qualifications for a probation officer, they shall notify the court of their conclusions within thirty days of the submission of such appointment to the respective members thereof, whereupon it shall be the duty of the District Judge to withdraw such appointment and appoint some one who shall receive the approval of said board. Probation officers receiving a salary or other compensation from the county, provided for by this Act, are hereby vested with all the power and authority of police or Sheriffs to make arrests and perform any other duties ordinarily required by policemen and Sheriffs which may be incident to their office or necessary or convenient to the performance of their duties; *provided*, that other probation officers may be vested with like power and authority upon a written certificate from the District Judge that they are persons of discretion and good character, and that it is the desire of the court to vest them with all the power and authority conferred by law upon probation officers receiving compensation from the county. Salaries or compensation of paid probation officers permitted by this Act shall be fixed by the District Judge, not to exceed the sums herein mentioned, and any bills for expenses, not exceeding the sums herein provided for, shall be certified to by the District Judge as being necessary in and about the performance of the duties of probation officer or officers. The appointment of probation officers and the approval thereof as to the qualifications of such officers by the board herein designated, shall be filed in the office of the Clerk of the Court. Probation officers shall take an oath such as may be required of other county officers to perform their duties and file it in the office of Clerk of the District Court. Nothing herein contained, however, shall be held to limit or abridge the power of the District Judge to appoint any number of persons as probation officers, whom said Judge may see fit and

who may be willing to serve without pay from the county for such services as probation officers.

SEC. 7. *Dependent and Neglected Children.* If the court shall find any male child under the age of seventeen years, or any female child under the age of eighteen years, to be dependent or neglected within the meaning of this Act, the court may allow such child to remain at its home subject to the friendly visitation of a probation officer, or to report to the court or probation officer from its home or school at such times as the court may require. And if parent, parents, guardian, or custodian consent thereto, or if the court shall further find that the parent, parents, guardian, or custodian of such child are unfit or improper guardians or are unable or unwilling to care for, protect, train, educate, correct, or discipline such child and that it is for the interest of such child and of the people of this State that such child be taken from the custody of its parents, custodian, or guardian, the court may make an order appointing as guardian of the person of such child, some reputable citizen of good moral character, and order such guardian to place such child in some suitable family home or other suitable place, which such guardian may provide for such child, or the court may enter an order committing such child to some suitable state institution, of this or any other State organized for the care of dependent or neglected children, or to some training school or industrial school or children's home-finding society of this or any other State or to some association embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided.

SEC. 8. *Guardianship.* In every case where such child is committed to an institution, or association, the court shall appoint the president, secretary, or superintendent of such institution or association, guardian over the person of such child and shall order such guardian to place such child in such institution or with such association, whereof he is such officer, and to hold such child, care for, train, and educate it subject to the rules and laws that may be in force from time to time governing such institution or association.

SEC. 9. *Delinquent Children.* If the court shall find any male child under the age of seventeen years, or any female child under the age of eighteen years, to be delinquent within the meaning of this Act, the court may allow such child to remain at its own home subject to the friendly visitation of a probation officer, such child to report to the court or probation officer with such record of its conduct in its home or school as the court may require as often as may be required, and if the parents, parent, guardian, or custodian consent thereto, or if the court shall further find either that the parent, parents, guardian, or custodian are unfit or improper guardians or are unable or unwilling to care for, protect, educate, or discipline such child and shall further find that the parent, parents, guardian, or custodian are unfit or improper guardians or are unable or unwilling to care for, protect, educate or discipline such child and shall further find that it is for the interest of such child and of the people of this State that such child be taken from the custody of its parents, parent, custodian, or guard-

ian, the court may appoint some proper person or probation officer guardian over the person of such child and permit it to remain at its home, or order such guardian to cause such child to be placed in a suitable family home, or cause it to be boarded out in some suitable home, in case provision is made by voluntary contribution or otherwise for the payment of the board; or the court may commit such child to any institution incorporated under the laws of this or any other State to care for delinquent children, or to any institution that has been or may be provided by the State, county, city, town, or village suitable for the care of delinquent children, including a detention home or school, or to some association that will receive it, embracing in its objects the care of neglected, dependent, or delinquent children and which has been duly accredited as hereinafter provided. In every case where such child is committed to an institution or association, the court shall appoint the president, secretary, or superintendent of such institution or association, guardian over the person of such child and shall order such guardian to place such child in such institution or with such association, whereof he is such officer, and to hold such child, care for, train, and educate it subject to the rules and laws that may be in force, from time to time governing such institution or association.

SEC. 10. The court may in its discretion in any case of a delinquent child permit such child to be proceeded against in accordance with the laws that may be in force in this State governing the commission of crimes or violation of city, village, or town ordinances; in such case the petition filed under this Act shall be dismissed.

SEC. 11. The court may when the health or condition of any child found to be dependent, neglected, or delinquent, requires it, order the guardian to cause such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purposes, without charge to the public authorities.

SEC. 12. Any child found to be dependent, neglected, or delinquent as defined in this Act, and awarded by the court to a guardian, institution or association, shall be held by such guardian, institution, or association, as the case may be, by virtue of the order entered of record in such case, and the Clerk of the court shall issue and cause to be delivered to such guardian or association a certified copy of such order of the court, which certified copy of such order shall be proof of the authority of such guardian, institution, or association in behalf of such child, and no other process need issue to warrant the keeping of such child. The guardianship under this Act shall continue until the court shall by further order otherwise direct, but not after such child shall have reached the age of twenty-one years.

SEC. 13. The court may, from time to time, cite into court the guardian, institution, or association to whose care any dependent, neglected, or delinquent child has been awarded, and require him or it to make a full, true, and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such guardian, institution, or association, within ten days after such citation, to make such report either in writing verified by affidavit, or verbally under oath in open

court, or otherwise as the court shall direct, and upon the hearing of such report, with or without further evidence, the court may, if it sees fit, remove such guardian and appoint another in his stead, or take such child away from such institution or association and place it in another, or restore such child to the custody of its parents or former guardian or custodian.

SEC. 14. *Transfers From Justice and Police Magistrates.* When in any county where a court is held as provided in section two of this Act, a male child under the age of seventeen years, or a female child under the age of eighteen years, is arrested with or without warrant, such child may, instead of being taken before a Justice of the Peace or police magistrate, be taken directly before such court; or if the child is taken before a Justice of the Peace or police magistrate, such Justice or magistrate shall inquire into such case, and unless he be of the opinion that no sufficient foundation exists for the charge of dependency or delinquency, it shall be the duty of such Justice of the Peace or police magistrate to transfer the case to the District Court, and the officer having the child in charge to take the child before such court, and in any case the District Court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this Act, and may adjourn the hearing from time to time for that purpose.

SEC. 15. *Children Under Twelve Years Not to be Committed to Jail.* No court or magistrate shall commit a child under twelve years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the Sheriff, police officer, or probation officer who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present. In counties of over fifteen thousand population it shall be the duty of the proper authorities to provide and maintain at public expense a house separated and removed from any jail or lockup, to be in charge of a matron or other person of good moral character, wherein all children within the provisions of this Act shall, when necessary before or after trial, be detained either for securing the attendance of such child at any hearing or trial of any cause, or for such disciplinary purposes as may seem necessary to the court for the best interests of said child and of the State. Any child within the provisions of this Act, informed against or regarding which a petition has been filed, or for any purpose taken into custody, shall, at any time before it is tried and adjudged to be delinquent, be entitled, by any friend or parent offering sufficient surety, to give bond or other security for its appearance at any hearing or trial of such case as such right is given to persons informed against for crime; and the court may in any case, upon the request of said child or parent representing it, appoint counsel to

appear and defend on behalf of any such child, such counsel to receive no pay from the county.

SEC. 16. *Agents of Juvenile Reformatories.* It shall be the duty of the board of managers, trustees, or such authorities as may be vested by law with the control or management of any state institution now or hereafter established to which juvenile delinquents may be committed by the courts of this State, to maintain an agent of such institution, whose duty it shall be to examine the homes of children paroled from such institution, for the purpose of ascertaining and reporting to said institutions where they have suitable homes; to assist children paroled or discharged from such institutions in finding employment and to maintain a friendly supervision over paroled inmates during the continuance of their parole; such agent shall hold office subject to the pleasure of the board or other authority having charge of said institution, making the appointment, and shall receive such compensation as such board or authorities controlling such institution may determine out of any funds appropriated for such institution which may be applicable thereto.

SEC. 17. *Incorporation of Association.* No association whose objects embrace the caring for dependent, neglected, or delinquent children shall hereafter be incorporated in this State.

SEC. 18. The State of Nevada shall be chargeable with and defray all expenses incurred for the support, maintenance, education, care, custody, and control of each and every child after its commitment under the terms and provisions of this Act.

SEC. 19. *Order Relating to Adoption.* Whenever the petition filed, as is provided in section four hereof, or a supplemental petition filed at any time after the appointment of the guardian, shall pray that the guardian appointed or to be appointed shall be authorized to consent to the legal adoption of the child, and the court upon the hearing shall find that it is to the best interests of such child that the guardian be given such authority, the court may, in its order appointing such guardian, empower him to appear in court where any proceedings for the adoption of such child may be pending, and to consent to such adoption; and such consent shall be sufficient to authorize the court where the adoption proceedings are pending to enter a proper order or decree of adoption without further notice to or consent by the parents or relatives of such child; *provided, however,* that before entering such order the court shall find from the evidence that (1) the parents or surviving parent of a legitimate child or the mother of an illegitimate child, or if the child has no parents living, the guardian of the child, if any, or if there is no parent living and the child has no guardian or the guardian is not known to petitioner, then a known, near relative of the child, if any there be, consents to such order; or (2) that one parent consents and the other is unfit for any of the reasons hereinafter specified to have the child, or that both parents are or that the surviving parent or the mother of an illegitimate child is so unfit for such reasons—the grounds of unfitness being (a) depravity, (b) open and notorious adultery or fornication, (c) habitual drunkenness for the space of one year prior to the filing of petition, (d) extreme and repeated cruelty to the child, (e) abandonment of the child or

(f) desertion of the child for more than six months next preceding the filing of the petition, and (3) that such child, if of the age of fourteen years or over, consents to such order.

SEC. 20. *Foreign Corporations.* No association which is incorporated under the laws of any other State than the State of Nevada shall place any child in any family home within the boundaries of the State of Nevada either with or without indenture or for adoption, unless the said association shall have furnished the Attorney-General with such guaranty as he may require that no child shall be brought into the State of Nevada by such society or its agents, having any contagious, or incurable disease, or having any deformity or being feeble minded, or of vicious character, and that said association shall promptly receive and remove from the State any child brought into the State of Nevada by its agent, which shall become a public charge within the period of five years after being brought into the State. Any person who shall receive, to be placed in a home, or shall place in a home, any child in behalf of any association incorporated in any other State than the State of Nevada, which shall not have complied with the provisions of this Act, shall be imprisoned in the county jail not more than thirty days, or fined no less than five dollars or more than one hundred dollars, or both, in the discretion of the court.

SEC. 21. *Religious Preference.* The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of the said child, or with some association or institution which is controlled by persons of like religious faith of the parents of said child.

SEC. 22. *Officers of Courts.* It shall be unlawful for any court clerk or other person to tax or collect, or for any county to pay any fees whatever which may be permitted by any law to be taxed or collected for the benefit of any court officer or person for any case concerning any child coming within the provisions of this Act for violating any law of this State unless such child shall be proceeded against under the provisions and in accordance with the purpose of this Act, except in capital cases or where the courts shall direct a proceeding under the criminal code, as provided in section ten of this Act, or where a case has been instituted before a Justice of the Peace or police magistrate, who shall duly comply with the terms of section fourteen of this Act.

SEC. 23. *Construction of Act.* This Act shall be liberally construed to the end that its purpose may be carried out, to wit, that the care, custody, and discipline of the child shall approximate as nearly as may be that which should be given by its parents, and in all cases of dependency where it can be properly done, that the child shall be placed in an approved family home, and become a member of a home and family by legal adoption or otherwise, and in cases of delinquency, that, as far as possible, or practicable, any delinquent child shall be treated, not as a criminal, but as misdirected and misguided and needing aid, encouragement, and assistance, and if such child cannot be handled, properly cared for, and corrected in its own home, or with the assistance and help of the probation officers, then that it may be placed in a suitable institution where it may be helped and educated and equipped for industrial efficiency and useful citizenship.

SEC. 24. *Support of Children.* If it shall appear, upon the hearing of the cause, that the parent, parents, or any person or persons named in such petition who are in law liable for the support of such child, are able to contribute to the support of such child, the court shall enter an order requiring such parent, parents, or other persons to pay to the guardian so appointed, or to the institution to which such child may be committed, or to the State, a reasonable sum from time to time for the support, maintenance, or education of such child, and the court may order such parent, parents, or other persons to give reasonable security for the payment of such sum or sums, and, upon failure to pay, the court may enforce obedience to such order as for contempt of court. The court may, on application and on such notice as the court may direct from time to time, make such alterations in the allowance as may appear reasonable and proper.

SEC. 25. *Guardianship of Person.* Nothing in this Act shall be construed to give the guardian appointed under this Act the guardianship of the estate of the child or to change the age of minority for any other purpose except the custody of the child.

SEC. 26. *Appeals.* Cases under this Act may be reviewed by appeal to the Supreme Court.

SEC. 27. *Contempt of Court.* Any person who shall interfere with the direction or disposition of any child under any order of the court concerning any child made in pursuance of the provisions of this Act, or with any probation or other officer of the court in carrying out the directions of the court under any such order, shall be held to be in contempt of court and subject to punishment as for contempt of court.

SEC. 28. *Validity of Acts.* The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

PROTECTION OF SCHOOL CHILDREN.

CHAP. XIX—*An Act to secure protection to school children and to preserve the peace of public schools, and matters connected therewith.*

Approved March 6, 1893, p. 106.

Misdemeanor to Interfere With Pupil.

SECTION 1. It shall be a misdemeanor for any person or persons to detain, beat, whip, or otherwise interfere with any pupil or pupils attending any public school in the State of Nevada on his, her, or their way to or from such school against the will of such pupil or pupils.

Misdemeanor to Disturb School.

SEC. 2. It shall be a misdemeanor for any person or persons to disturb the peace of any public school in the State of Nevada by using vile or indecent language, or by threatening or assaulting any pupil or teacher within the building or grounds of such school, and for the purpose of this Act the ground of every public school in the State of Nevada shall extend to a distance of fifty yards in all directions from the school building.

Penalty.

SEC. 3. Any person or persons convicted of a misdemeanor under either of the foregoing sections of this Act shall be subject to a fine not exceeding three hundred dollars or imprisonment in the county jail not to exceed six months, or to both such fine and imprisonment.

PROTECTION OF SCHOOL PROPERTY.

CHAP. XX—*An Act to prevent malicious injury to church, school, and other buildings and property, and to protect persons from malicious annoyance, and matters properly relating thereto.*

Approved March 13, 1895, p. 63.

Injure or Deface Buildings.

SECTION 1. It shall be a misdemeanor for any person or persons to wilfully and maliciously injure, mark, or deface any church edifice, schoolhouse or other building, public or private, its fixtures, books, or appurtenances, or to commit any nuisance therein, or to purposely and maliciously commit any trespass upon the grounds attached thereto, or any fixtures placed thereon, or any enclosure or sidewalk about the same, or in any manner to maliciously and purposely interfere with or disturb those peaceably assembled within such building or buildings.

Penalty.

SEC. 2. Any person or persons convicted of a misdemeanor under the foregoing section of this Act shall be subject to a fine, not exceeding two hundred dollars, or to imprisonment in the county jail not to exceed six months, or to both such fine and imprisonment.

LOCATION OF HOSPITALS.

CHAP. XXI—*An Act to regulate the location, equipment, or maintenance of hospitals.*

Approved March 29, 1907, p. 430.

Hospitals Prohibited Near Schools.

SECTION 1. It shall be unlawful for any person, persons, firm, corporation, or association, to locate or maintain any hospital for the treatment of diseased or injured persons within three hundred feet of any public school building; *provided*, that nothing in this Act shall apply to hospitals now being operated.

Penalty.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than three hundred dollars.

LOCATION OF HOUSES OF ILL-FAME.

CHAP. XXII—*An Act to regulate houses of prostitution, dance-houses, and houses where beer, wine, or spirituous liquors are sold.*

Approved February 26, 1887, p. 84.

SECTION 1. It shall be unlawful for any owner or agent of any owner, or any other person, to keep any house of ill-fame, or to let or rent to any person whomsoever, for any length of time whatever, to be kept or used as a house of ill-fame, or resort for the purpose of prostitution, any house, room, or structure situated within four hundred yards of any schoolhouse or schoolroom used by any public or common school in the State of Nevada, or within four hundred yards of any church edifice, building, or structure, erected and used for devotional services or religious worship in the State of Nevada. *As amended, Stats. 1903, p. 82.*

SEC. 2. [Regarding location on main streets or thoroughfares.]

SEC. 3. Any person violating the provisions of sections one or two of this Act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars nor more than three hundred dollars, or to be imprisoned in the county jail not less than five nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. [Repealed, Statutes 1889, p. 85.]

SEC. 5. [Regarding evidence.]

SEC. 6. It shall be the duty of the District Attorney and Sheriff of each county in this State to see that the provisions of this Act are strictly enforced and carried into effect, and upon neglect so to do they, or either of them, shall be deemed guilty of misdemeanor in office, and may be proceeded against as provided in sections sixty-three to seventy-two, inclusive, of an Act entitled "An Act relating to elections," approved March twelfth, eighteen hundred and seventy-three. (See Cutting's Compiled Laws, Sections 1646 to 1655 inclusive.)

SEC. 7. This Act shall take effect and be in force from and after the first day of May, eighteen hundred and eighty-seven.

TOWN-SITE BLOCK RESERVED FOR SCHOOL USES.

CHAP. XXIII—*An Act authorizing the owners of land to lay out and plat such land into lots, streets, alleys, and public places, and providing for the approval and filing of maps or plats thereof.*

Approved March 13, 1905, p. 223.

SECTION 1. *Owner May Plat Lands.* It shall be lawful for any owner or owners of any land, or any trustee or trustees selected by such owners, to lay out and plat such land into lots, streets, alleys, and public squares.

SEC. 2. *Map.* Whenever any lands are hereafter laid out and

platted as mentioned in section one, the owner or owners of the same or any trustee or trustees selected by such owner or owners, shall cause to be made out an accurate map or plat, particularly setting forth and describing:

1. All the parcels of ground so laid out and platted by their boundaries, course, and extent, and whether they are intended for avenues, streets, lanes, alleys, commons, or other public uses, together with such as may be reserved for public purposes, and every map or plat of ground so laid out shall, if it covers forty or more acres of land, show one block for every quarter-section of land in the parcel of ground so mapped or platted, and the block so designated upon the map shall be forever devoted and dedicated to the uses of the public-school system of the district in which it is located.

2. All lots intended for sale by numbers and their precise length and width. *As amended, Stats. 1909, p. 111.*

[Sections 3 to 12, inclusive, relate to drawing, approving, and filing such plats. See Statutes 1905, p. 224.]

TEACHERS EXEMPT FROM JURY DUTY.

CHAP. XXIV—*An Act to exempt teachers from jury duty.*

Approved March 14, 1903, p. 111.

SECTION 1. Teachers actually engaged in teaching in the public schools of the State and members of the Faculty of the State University shall be exempt from jury duty during the session of the public schools or University, but nothing in this Act shall be construed as to excuse said teachers from liability to jury duty during a vacation.

THE NATIONAL FLAG.

CHAP. XXV—*An Act to require School Trustees to procure and hoist on public schoolhouses the United States flag.*

Approved March 13, 1909, p. 100.

SECTION 1. Boards of School Trustees in all school districts throughout the State shall provide for their respective schoolhouses a suitable flag of the United States, which shall be hoisted on the respective schoolhouses on all suitable occasions.

SEC. 2. The respective Boards of Trustees are hereby authorized and directed to cause said flags to be paid for out of any county school money in their respective school district funds not required for regular school expenses.

SEC. 3. This Act shall take effect on approval.

THE STATE FLAG.

CHAP. XXVI—*An Act adopting the design of the flag of the State of Nevada.*

Approved February 25, 1905, p. 42.

SECTION 1. The flag of the State of Nevada will be of blue bunting, with the following devices thereon, to wit: The word "NEVADA" in silver-colored block letters, equidistant between the top and bottom; near the top the word "SILVER" in silver color, and near the bottom the word "GOLD" in gold color, each of which shall be in Roman capital letters, and there shall be under the word "Silver" a row of eight stars in silver color, under which and above the word "Nevada" a row of nine stars in gold color, at each end of the word "Nevada" a silver-colored star, and under the word "Nevada" a row of nine stars in gold color, under which and above the word "Gold" a row of eight stars in silver color. Each star shall have five points and be placed with one point up.

ARBOR DAY.

CHAP. XXVII—*An Act establishing Arbor Day.*

Approved February 10, 1887, p. 51.

School Holiday.

SECTION 1. Arbor Day is hereby established in the State of Nevada, and shall be fixed each year by proclamation of the Governor at least one month before the fixing of such date, and it shall be observed as a holiday by the public schools of this State; *provided*, that nothing in this Act shall be so construed as making this a legal holiday, so far as the courts and civil contracts are concerned.

Governor to Make Proclamation.

SEC. 2. His Excellency the Governor is requested to make proclamation setting forth the provisions of the first section of this statute, and recommending that Arbor Day so established, be observed by the people of the State in the planting of trees, shrubs, and vines, in the promotion of forest growth and culture, in the adornment of public and private grounds, places, and ways, and in such other efforts and undertakings as shall be in harmony with the character of the day so established.

UNIVERSITY OF NEVADA.

CHAP. XXVIII—*An Act to fix the name of the State University of Nevada.*

Approved March 29, 1907, p. 433.

SECTION 1. The legal and corporate name of the State University shall be the University of Nevada.

CHAP. XXIX—*An Act relating to the State University, and matters properly connected therewith.*

Approved February 7, 1887, p. 42.

Literary and Scientific Course at State University.

SECTION 1. There shall be established in the State University of Nevada, a school for the instruction of teachers, in which shall be taught all the branches of instruction which are taught in the common schools of this State, together with the theory and practice of teaching, school law, botany, physiology, and geology. There shall also be taught in said University, chemistry, assaying, mineralogy, surveying, and geology, so far as they relate to the theory and practice of mining, agriculture, and the mechanic arts. There shall also be taught in the preparatory department of said University, typewriting, shorthand, telegraphy, bookkeeping, and commercial law, so far as they relate to the practical affairs of life. *As amended, Stats. 1891, p. 92.*

Five Regents Authorized—Two Elected at Every General Election.

SEC. 2. From and after the first day of January, A. D. 1907, the Board of Regents of the State University shall consist of five members; those who are elected for the term of four years to be known as "Long-Term Regents" and those who are elected for the term of two years to be known as "Short-Term Regents," and to hold their offices for the several periods for which they are elected, and until their successors are elected and qualified. At the general election held in 1906 there shall be elected two Long-Term Regents, who shall hold their office for the term of four years, and two Short-Term Regents, who shall hold their office for the period of two years. Thereafter, at each general election, there shall be elected two Regents for the long term and one Regent for the short term in the same manner as other state officers are elected. The persons elected as Regents under the provisions of this Act, before entering upon the discharge of their office, shall take and subscribe to the official oath and file the same in the office of the Secretary of State. In case of vacancy in said Board of Regents, the Governor shall fill the same by appointment until the next general election, when such vacancy shall be filled by election. The term of office of each Regent shall begin on the first Monday of January after his election. *As amended, Stats. 1905, p. 190.*

Powers and Duties of Regents.

SEC. 3. The powers and duties of the Board of Regents are as follows:

First—To prescribe rules for their own government, and for the government of the University.

Second—To prescribe rules for the reports of officers and teachers of the University.

Third—To prescribe the course of study, the time and standard of graduation, and the commencement and duration of the terms, and the length of the vacations of the University.

Fourth—To prescribe the text-books, and provide apparatus and furniture for the use of pupils.

Fifth—To appoint a President of the University, who shall have a diploma from some recognized college of learning of good standing, or some state normal school, who has had at least five years of practical experience as an instructor; who is familiar with the modern methods of imparting instruction generally approved in the United States, and who shall be endorsed as to moral character and qualifications as an instructor by the president and faculty of three institutions of learning authorized by law to confer degrees.

Sixth—To prescribe the duties of the President, and fix his salary and the salaries of all other teachers in the University.

Seventh—To require the President, under their direction, to establish and maintain training and model schools, and require the pupils of the University to teach and instruct classes therein.

Eighth—To control the expenditures of all moneys appropriated for the support and maintenance of the University, and all moneys received from any source whatsoever.

Ninth—To keep open to public inspection an account of receipts and expenditures.

Tenth—To annually report to the Governor a statement of all their transactions, and of all other matters pertaining to the University.

Eleventh—To transmit with such report a copy of the President's annual report.

Twelfth—To revoke any diploma by them granted, on receiving satisfactory evidence that the holder thereof is addicted to drunkenness, is guilty of gross immorality, or is reputably dishonest in his or her dealings; *provided*, that such person shall have at least thirty days' previous notice of such contemplated action, and shall, if he or she ask it, be heard in his or her own defense.

Chairman to be Appointed.

SEC. 4. The Board of Regents shall have the power to appoint a chairman, who shall receive no compensation therefor, nor shall any member receive any compensation for his services except necessary expenses in attending meetings of the board. The Board of Regents may employ a clerk of said board, who shall receive a salary of twenty-five dollars per month, and who shall keep a full record of all proceedings of the board, which shall at all times be open to public inspection, and said clerk shall not be a teacher in said University.

SEC. 5. The board must hold four regular meetings in each year, and may hold special meetings at the call of the chairman of the board.

SEC. 6. The President of the University must make a detailed annual report to the Board of Regents, with a catalogue of pupils, and such other particulars as the board may require or he may think useful.

Academic Degree, How Issued—State Normal School—State High-School Certificates—Life Diploma—Grammar-Grade Diploma—Cause for Revocation—Diploma of Graduation.

SEC. 7. Upon the recommendation of the President of the University, the Board of Regents shall issue to those who worthily complete the full course of study in the School of Mines, or in the School of Agriculture, or in the School of Liberal Arts, or in any equivalent course

that may hereafter be prescribed, a diploma of graduation, conferring the proper academic degree, from the Nevada State University; and no diploma bearing the distinctive title, "Nevada State University," shall be issued to any one who has not completed the full course of study as above set forth. Upon the recommendation of the President of the University, the Board of Regents shall issue to those who worthily complete the full four years' course of study prescribed in the Nevada State Normal School, a department of the State University, a diploma of graduation, and said diploma shall bear the heading, "The Nevada State Normal School," [and to all persons receiving this diploma, the State Board of Education shall issue a state high-school certificate of the first grade, good for five years. To the holders of the above state high-school certificates of the first grade, the State Board of Education shall grant a life diploma when said graduates of the Nevada State Normal School shall have completed at least five years of successful instruction in the public schools of Nevada, or of any other State.] Upon the recommendation of the President of the University, the Board of Regents shall issue to those who worthily complete the three years' course of study prescribed in the Nevada State Normal School, a grammar-grade diploma of graduation, and said diploma shall bear the heading, "Nevada State Normal School Grammar-Grade Diploma," [and to all persons receiving this grammar-grade diploma, the State Board of Education shall grant a grammar-grade state certificate good for five years.] The Board of Regents may require said Normal School graduates, before granting the diplomas herein provided for, to sign the following obligation: "I hereby agree to report to the President of the University, by letter, at least twice a year for three years after my graduation, and once a year thereafter, so long as I continue in the profession of teaching, and when I shall leave the profession I will report the fact to him, with the cause therefor. A failure to make such reports may be considered sufficient cause for the revocation of my diploma." And further it is hereby expressly provided that the graduates of the Nevada State Normal School for the year 1895 shall receive their diplomas and state certificates according to the Act of March 19, 1891, hereby amended. Upon the recommendation of the President of the University, the Board of Regents shall issue to those who worthily complete the full course of study in any other department of the University, not equivalent to a regular University course, a diploma of graduation, but said diploma shall bear the name of the department from which it is issued, and in no case to bear the heading of the regular University diploma. *As amended, Stats. 1895, p. 89.*

[Portions in brackets, superseded by Statutes of 1907. See Chapter II, Section 22.]

Duty of President of University.

SEC. 8. It shall be the duty of the President of the University to instruct in the University, and, under the direction of the Board of Regents, to manage all matters connected with the institution, to employ assistant teachers and servants, purchase supplies, and make monthly statements to the Board of Regents of all receipts and expenditures, supported by vouchers.

No Discrimination.

SEC. 9. There shall be no discrimination in the admission of pupils on account of sex, race, or color; but no person shall be admitted who is not of good moral character, and who has not arrived at the age of fifteen years, and passed such an examination as shall be prescribed by the Board of Regents, and no person under said age shall hereafter be taught in said institution.

SEC. 10. Tuition shall be free.

SEC. 11. The State Superintendent of Public Instruction must visit the University at least every three months, inquire into its condition and management and report to the Board of Regents quarter-yearly the condition of the institution, with such suggestions as he may deem proper.

Duties of Board of Examiners.

SEC. 12. All expenses incurred, of every name and nature, involving the payment of money by or under the direction of the Board of Regents of the University, shall be passed upon by the Board of Examiners as other accounts against the State, and be paid out of the moneys appropriated for the University.

SEC. 13. [Repealing certain laws and sections of laws regarding the University. See Statutes of 1887, p. 45.]

ORES TO BE ANALYZED AT UNIVERSITY.

CHAP. XXX—*An Act supplemental to an Act entitled "An Act relating to the State University, and matters properly connected therewith," approved February 7, 1887.*

Approved March 16, 1895, p. 76.

Relating to Chemical Analysis at State University.

SECTION 1. It shall be the duty of the President of the State University, in addition to his other duties as fixed by law, to cause to be analyzed by an assistant, teacher, or teachers employed at the State University, any ores, mineral, soil, or water taken from within the boundaries of the State of Nevada, and sent by any citizen of said State for that purpose. Any citizen of the State may send any such substances and have the same analyzed free of charge, and the result of the same returned to him by mail with as near as possible an explanation of their uses and value in market, and there shall be kept at the State University a book of record open for inspection, under such rules as may be made by the Regents, of all mineral, ores, or other matters so sent, with the history of such mineral or other matters, stating the name of the person or persons from whom received, the district and county from which it came, and all other matters that may be beneficial touching the same. A duplicate of the sample analyzed, as far as practicable, shall be kept at the University, properly labeled, so as to correspond to the record, and properly preserved.

Relating to Analysis in Duplicate.

SEC. 2. If the same kind of matter for analysis is sent from the same place it shall not be necessary to analyze the same, but a duplicate of the analysis shall be sent by mail to the person desiring the same.

SEC. 3. Samples for analysis shall be analyzed in the order received.

Assays for Gold and Silver.

SEC. 4. Sample assays for gold or silver shall be made, and when the value per ton exceeds five dollars in gold, the returns shall state the fact thus, "Test for gold." And when the value per ton exceeds five dollars in silver the returns shall state the fact thus, "Test for silver." *As amended, Stats. 1897, p. 91.*

HONORARY BOARD OF VISITORS.

CHAP. XXXI—*An Act creating the Honorary Board of Visitors of the Nevada State University, and other matters relating thereto.*

Approved March 11, 1895, p. 40.

Board Created—Term of Office.

SECTION 1. There is hereby created a board to be known as the Honorary Board of Visitors of the Nevada State University. Said board shall consist of fifteen members. The Chief Justice of the Supreme Court shall be ex officio a member and the chairman of said board. In the absence of said Chief Justice the members of the board may elect one of their number to act as temporary chairman. The term of office of the members of said board shall be two years from the date of their appointment and until their successors are appointed.

Who Shall Act.

SEC. 2. The Governor shall appoint and commission, within forty days after the passage of this Act, from each county, one suitable and discreet person who is interested in higher education and who is an actual resident of said county as a member of said board.

Duties of Board.

SEC. 3. It shall be the duty of said Board of Visitors to meet annually at the seat of the Nevada State University during commencement week, and inspect the grounds, buildings, and equipment of said University, and also to inquire into the actual state of the discipline, instruction, police administration, and other affairs or concerns of the University. The Board of Visitors shall report thereon to the Governor within thirty days after each annual meeting, for the information of the people of the State and of the next succeeding Legislature of the State, their action as such visitors, with their views and recommendations concerning the University, such as they shall deem wise and just and for the best interests of the University.

Notice to Board.

SEC. 4. The President of the University shall cause at least thirty

days' notice to be given to the members of the Honorary Board of Visitors of the time and place of their annual meeting.

No Compensation.

SEC. 5. No compensation shall be made to the members of said Board of Visitors for their services or for their traveling expenses, but the Board of Regents shall pay out of the University Contingent Fund their expenses for board and lodging while at the University.

VIRGINIA CITY SCHOOL OF MINES.

CHAP. XXXII—*An Act creating a School of Mines, to be located at Virginia City, State of Nevada.*

Approved March 20, 1903, p. 211.

SECTION 1. There is hereby created a School of Mines, to be known as the Virginia City School of Mines, to be located at Virginia City, Storey County, Nevada, and to be under the direction and control of the State Board of Education.

EDUCATION OF THE DEAF AND DUMB, AND THE BLIND.

CHAP. XXXIII—*An Act to provide for the education of the deaf and dumb, and the blind of the State of Nevada.*

Approved March 2, 1869, p. 103.

SECTION 1. The Superintendent of Public Instruction is authorized to make arrangements with the directors of any institutions for the deaf and dumb and the blind in the State of California, or in the State of Utah, for the admission, support, education, and care of the deaf and dumb and the blind of this State, and for that purpose is hereby empowered to make all needful contracts and agreements to carry out the provisions of this Act. *As amended, Stats. 1907, p. 371.*

Application, How Made—Superintendent of Public Instruction to Issue Certificate.

SEC. 2. Upon application under oath of a parent, relative, guardian or nearest friend of any deaf, dumb or blind person, resident of this State, setting forth that by reason of deafness, dumbness, or blindness, such person is disqualified from being taught by the ordinary process of instruction or education, and that such parent, relative, guardian or nearest friend is unable to pay for his or her support, education and instruction in the aforesaid institutions, and file the same with the Board of County Commissioners of the proper county, and such board shall be satisfied of the truth thereof, and such board shall have made application to the Superintendent of Public Instruction for that purpose, it shall be the duty of the Superintendent of Public Instruction to issue a certificate to that effect, which certificate being produced shall

be the authority of the directors of any of the institutions aforesaid for receiving such deaf and dumb, or blind, person. *As amended, Stats. 1907, p. 371.*

SEC. 3. [Obsolete.]

Persons Entitled to Benefit of This Act—Adults Must Be Residents for Five Years.

SEC. 4. All deaf and dumb or blind persons that are not mentally or physically incapacitated to receive an education or instruction, that are free from offensive or contagious diseases, and are unable to pay for their support, education, and instruction in the aforesaid institutions, and whose parent, relative, guardian, or nearest friend is unable to pay for his or her support, education, and instruction in any of the aforesaid institutions, shall be entitled to the benefits intended by this Act, and it is hereby made the duty of the Board of County Commissioners of such county to make provisions, at the expense of the county, for carrying such person to the office of the Superintendent of Public Instruction, who shall make necessary arrangements for carrying the person to any of the institutions of instruction before mentioned, at the expense of the State, payable out of the fund provided by this Act. All deaf, dumb or blind persons over the age of twenty-one years seeking admission into the aforesaid institutions shall, before making application under this Act, have been actual bona fide residents of the State of Nevada for the period of five years preceding the date of making such application. *As amended, Stats. 1907, p. 372.*

FREE PUBLIC LIBRARIES.

CHAP. XXXIV—*An Act to provide for free public libraries, and other matters relating thereto.*

Approved March 16, 1895, p. 79.

Establishment of Free Public Libraries—Tax Levy—Library Fund.

SECTION 1. Whenever in any county in the State of Nevada a petition or petitions for the establishment of a free public library, certified by the District Judge of any Judicial District of the State of Nevada as being signed by a majority of the taxpayers or by taxpayers representing a majority of the taxable property, as shown by the last preceding assessment roll of any city, unincorporated town or school district shall be presented to the Board of County Commissioners of the county in which said city, unincorporated town or school district is situated, accompanied by affidavit of one or more of the signers thereof that the signatures thereto are genuine, the said Board of County Commissioners shall within ten days after said petition or petitions are so presented levy a tax upon all taxable property of said city, unincorporated town, or school district of not less than five nor more than ten cents on each one hundred dollars valuation of taxable property therein for the purpose of creating a fund to be known as the "Library Fund." And each year thereafter said Board of County Commissioners at the

time and in the manner other taxes are levied shall levy a tax upon said property for said purpose of not more than ten cents on each one hundred dollars valuation thereof. *As amended, Stats. 1907, p. 181.*

State Board of Education to Name Library Trustees—To Serve Without Compensation.

SEC. 2. The State Board of Education of Nevada, whenever notified that a petition has been presented as provided in section one of this Act, shall appoint three competent persons who are residents of such city, unincorporated town or school district, to be known as Library Trustees, who shall hold office for the period of one, two, and three years respectively, and said State Board of Education shall annually thereafter appoint one Library Trustee, who shall hold office for the period of three years, and all vacancies which may occur at any time in the said office of Library Trustee shall be filled by appointment by the said State Board of Education; said trustees shall serve without compensation, and shall hold office until their successors are appointed and qualified. *As amended, Stats. 1901, p. 38.*

Powers of Library Trustees.

SEC. 3. Said Library Trustees shall have power to, and shall establish and maintain, a library and reading room, make purchases, secure rooms, employ assistants, appoint officers, establish by-laws and regulations, and manage and control the affairs and business of said library; and they and their successors shall hold and possess the property and effects of said library and reading room in trust for the public and for the purpose of said library and reading room, and may, as said Library Trustees, and for the purpose hereinbefore provided, acquire and hold real estate and personal property, by purchase or bequest, and administer any trust declared or created, for such library or reading room, and may prosecute, maintain or defend any action in reference to the property or affairs of said library and reading room.

Manner of Paying Claims.

SEC. 4. All claims for indebtedness incurred or created by said Library Trustees shall be audited by a majority of said Library Trustees, and presented to and acted upon by the Board of County Commissioners, and paid out of said library fund in the same manner as claims against the county are presented, acted upon and paid. No indebtedness in excess of the amount of money to be realized in any year from said levy for said library fund, shall be incurred by said Library Trustees, or allowed by the Board of County Commissioners, and in no case shall any claim except for library and reading-room purposes be allowed or paid out of said library fund.

SEC. 5. Said library and reading room shall forever be and remain free and accessible to the people of such city, unincorporated town or school district, subject to such reasonable rules and regulations as said Library Trustees may adopt.

REVENUE.

CHAP. XXXV—*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, p. 135.

SECTION 1. [Superseded.]

SEC. 2. The Board of County Commissioners of each county shall, on or before the first Monday of March of each year, fix the rate of county taxes for such year, designating the number of cents on each hundred dollars of property levied for each fund; and shall levy the state and county taxes upon the taxable property of the county.

SEC. 3. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, and a lien shall attach upon the real property for the tax levied upon the personal property of the owner of such real estate, which lien shall attach upon the day on which the taxes are levied in each year, on all property then in this State, and on all other property whenever it reaches the State, and shall not be satisfied or removed until all the taxes are paid, or the property has absolutely vested in the purchaser under a sale for taxes.

SEC. 4. All special taxes levied for city, town, school, road, or other purposes throughout the different counties of this State shall be a lien on the property so assessed, and shall be assessed and collected by the same officers, at the same time, and in the same manner as the state and county taxes are now or may hereafter be assessed and collected.

SEC. 5. All property of every kind and nature whatsoever within this State, shall be subject to taxation except:

First—All lands and other property owned by the State, or by the United States, or by any county, municipal corporation, town, or village in this State, and all public schoolhouses, with lots appurtenant thereto, owned by any legally created school district within the State; *provided*, that when any of the property mentioned in this subdivision is used for any other than public purposes, and a rent or valuable consideration is received for its use, the same shall be taxed. *As amended, Stats. 1909, p. 125.*

[Parts second to sixth, inclusive, do not refer to schools.]

[SEC. 2.] All Acts or parts of Acts in conflict herewith are hereby repealed. *Stats. 1909, p. 126.*

[Sections 6 to 154, inclusive, relate in general to taxes.]

STATE LIBRARY FUND TRANSFERRED TO GENERAL
STATE SCHOOL FUND.

CHAP. XXXVI—*An Act to amend an Act entitled "An Act in relation to the State Library," approved February 14, 1865.*

Approved March 29, 1907, p. 372.

SECTION 1. Section seven of the above-named Act is hereby amended to read as follows:

Section 7. Each and every officer of this State, civil and military, except Commissioners of Deeds and Notaries Public, shall, at the time of the issuance of his commission, and before entering upon the duties of his office, pay to the Secretary of State the sum of five dollars, which, with all fees of whatever character, by the laws now in force, or which may hereafter be provided to be charged and collected in the office of the Secretary of State, shall constitute a portion of the Library Fund; and the Secretary of State shall exhibit an account of, under oath, and pay to the State Treasurer, at the end of each quarter, dating from the first day of January, all moneys collected under this Act, and the same, together with such revenues as are hereinafter provided, shall be reserved, set apart, and appropriated, as a State Library Fund. On the thirty-first day of December, nineteen hundred and seven, and annually thereafter, the State Treasurer shall take from the said Library Fund all moneys in excess of the sum of five thousand dollars, if there be any surplus, and transfer one-half of such moneys to the General Fund of the State Treasury, and the other half to the General State School Fund of the State Treasury.

COUNTY SCHOOL FUND TO RECEIVE FEES FOR GRAZING.

CHAP. XXXVII—*An Act providing that ten per cent of proceeds from fees which issue to the counties from national forest reserves be paid into the county school fund of the county in which such fees may be collected.*

Approved March 29, 1907, p. 415.

WHEREAS, The President of the United States has been authorized to establish, from time to time, forest reserves in the several States, and legislation is now pending which will grant him further authority to establish grazing districts upon the vacant public lands of the United States; and

WHEREAS, Certain fixed charges will be made for the grazing of live stock upon said lands, ten per cent of such fees to be paid into the treasury of the county in which such fees may be collected, now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the proceeds from such fees which may be paid into the treasury of the several counties of the State shall be paid into the county school fund of such counties, and shall be apportioned at the same time and in the same manner as other county school funds.

STATE TAX LEVY.

CHAP. XXXVIII—*An Act to fix the state tax levy, and to distribute the same in the proper funds.*

Approved March 20, 1909, p. 141.

SECTION 1. For the fiscal year commencing January first, nineteen hundred and nine, and annually thereafter, an ad valorem tax of sixty cents on each one hundred dollars of taxable property is hereby levied and directed to be collected for state purposes, upon all taxable property in the State, including net proceeds of mines and mining claims, except such property as is by law exempted from taxation. Of the tax hereby levied thirty-six and six-tenths cents shall go into the General Fund of the State; three cents shall go into the Territorial Interest Fund; five cents shall go into the State Interest and Sinking Fund; six cents shall go into the General School Fund; one-tenth of one cent shall go into the Contingent University Fund, 1905, No. 1; three-tenths of one cent shall go into the Contingent University Fund, 1905, No. 2; five cents shall go into the Contingent University Fund; and one cent shall go into the State Orphans' Home Interest and Sinking Fund, and three cents shall go into the Nevada State Prison Interest and Sinking Fund.

GENERAL APPROPRIATIONS.

CHAP. XXXIX—*An Act making appropriations for the support of the Civil Government of the State of Nevada for the fiscal years 1909 and 1910.*

Approved March 22, 1909, p. 162.

SECTION 1. The following sums of money are hereby appropriated for the purpose hereinafter expressed, and for the support of the Government of the State of Nevada, for the years 1909 and 1910:

[Only those parts relating to schools are given.]

SEC. 21. For salary of the Surveyor-General and Land Register, four thousand eight hundred dollars (\$4,800), payable out of the State School Fund.

SEC. 25. For salary of clerks in the State Land Office for years 1909 and 1910 and for transcribing records, four thousand dollars (\$4,000), payable out of the State School Fund.

SEC. 26. For the purchase of township plats from the United States Surveyor-General's office, providing that the price per plat shall not exceed six dollars, three hundred dollars (\$300), payable out of the State School Fund.

SEC. 27. For salary of State Superintendent of Public Instruction and ex officio Curator of State Museum, four thousand dollars (\$4,000), payable out of the General School Fund.

SEC. 29. For traveling expenses of the State Superintendent of Public Instruction, eight hundred dollars (\$800), payable out of the General School Fund.

SEC. 30. For expenses for Teachers' Institute for 1909 and 1910 (one State Institute and five District Institutes), seven hundred and fifty dollars (\$750).

SEC. 58. Tuition and support for the deaf and dumb and blind, seven thousand dollars (\$7,000).

SEC. 76. For support of Virginia City School of Mines for the years 1909 and 1910, thirty-six hundred dollars (\$3,600).

SEC. 90. For conducting the teachers' examinations and grading the papers, and payment of incidental expenses, eighteen hundred dollars (\$1,800).

FISH AND GAME LAWS TO BE TAUGHT IN THE PUBLIC SCHOOLS.

CHAP. XL—*An Act to provide for the dissemination of knowledge in the public schools relative to the preservation of song-birds, fish, and game.*

Approved March 12, 1901, p. 56.

Duties of Teachers—Children to be Instructed Relative to Preservation of Birds, Fish, and Game.

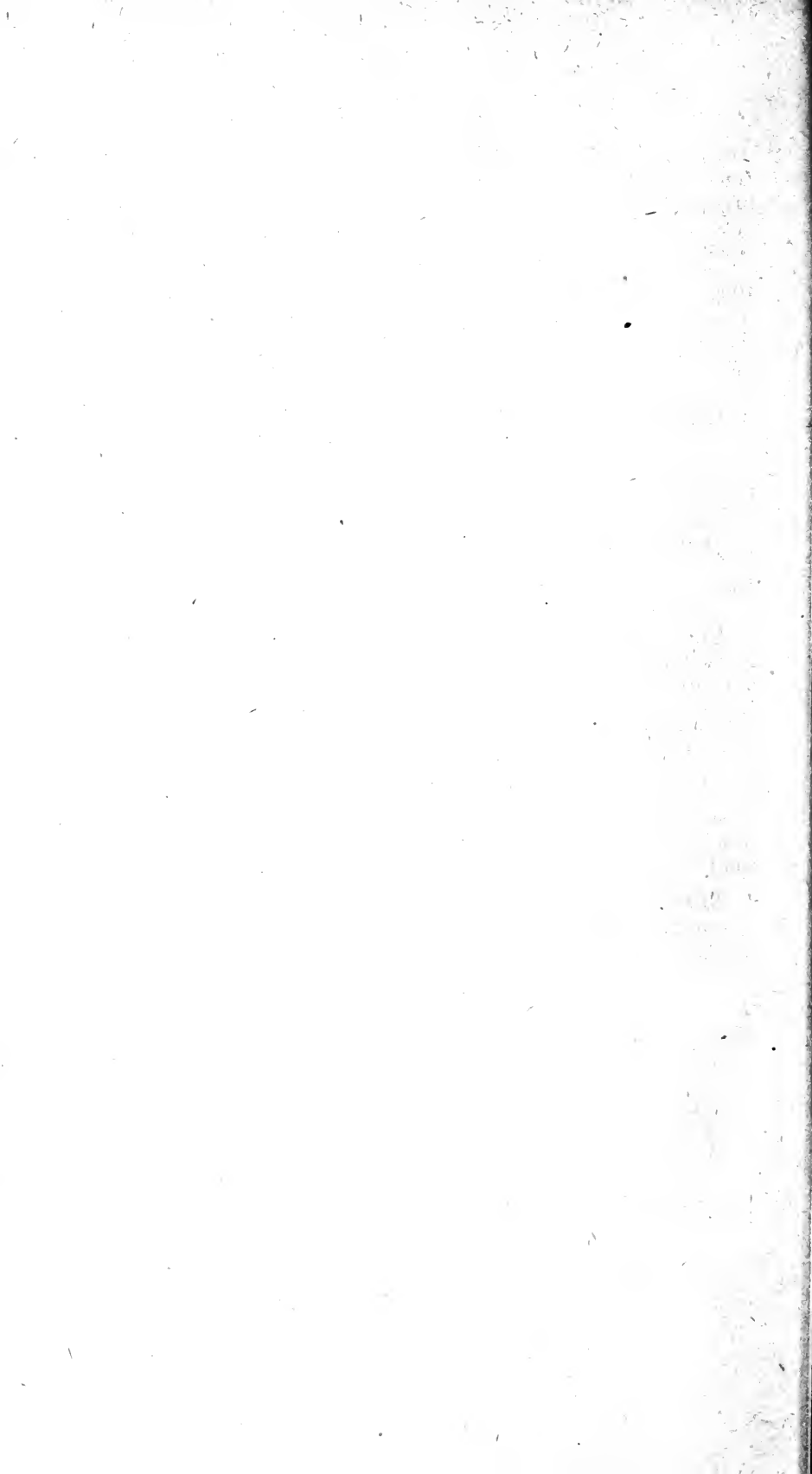
SECTION 1. It is hereby made the duty of each and every teacher in the public schools of this State to give oral instruction, at least once a month, to all children attending such schools, relative to the preservation of song-birds, fish, and game; and to read or cause to be read to such children, at least twice during each school year, the fish and game laws of the State of Nevada.

Teachers to Comply With Provisions of This Act.

SEC. 2. No teacher shall be entitled to receive any portion of the public school moneys as compensation for services, unless such teacher shall have complied with the provisions of this Act.

In Effect.

SEC. 3. This Act shall take effect and be in force from and after its passage.



APPENDIX



FISH AND GAME LAWS.

An Act to prevent pollution or contamination of the waters of the lakes, rivers, streams, and ditches in the State of Nevada.

SECTION 1. Any person or persons, firm, company, corporation, or association in this State, or the managing agent of any person or persons, firm, company, corporation, or association in this State, or any duly elected, appointed, or lawfully created state officer of this State, or any duly elected, appointed, or lawfully created officer of any county, city, town, municipality, or municipal government in this State, who shall deposit or who shall permit or allow any person or persons in their employ or under their control, management, or direction to deposit in any of the waters of the lakes, rivers, streams, and ditches in this State any sawdust, rubbish, filth, or poisonous, or deleterious substance or substances, liable to affect the health of persons, fish, or live stock, or place or deposit any such deleterious substance or substances in any place where the same may be washed or infiltrated into any of the waters herein named, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than sixty dollars nor more than five hundred dollars, exclusive of court costs; *provided*, that in cases of state institutions, municipalities, towns, incorporated towns or cities, when, owing to the magnitude of the work, immediate correction of the evil is impracticable, then in such cases the authorities shall adopt all new work, and as rapidly as possible reconstruct the old systems of drainage sewerage so as to conform with the provisions of this Act; *and provided further*, that all such new and reconstructed systems shall be completed before March 20, 1913; *provided*, that nothing in this Act shall be so construed as to prevent mining or milling companies to dump tailings directly into any stream in this State so as to prevent or impede the natural flow of such stream. Nothing in this Act shall be so construed as to apply to any quartz mill or ore reduction works in this State. *Stats. 1909, p. 306.*

SEC. 2. For the purposes of this Act the word "ditch" shall be construed to mean any ditch, canal, channel, or artificial water-way, used for carrying or conveying water into any reservoir from which it may be used or distributed or any distributing ditch, canal, channel, or artificial water-way carrying or conveying water for domestic or irrigation purposes, to any persons or premises in this State, or to any persons or premises in any county, city, town, or municipality in this State. *Stats. 1909, p. 247.*

An Act to provide for the appointment of a Board of Fish Commissioners and to define their duties.

Approved March 16, 1905, p. 264.

SECTION 1. The Governor of this State is hereby authorized and empowered to appoint three suitable persons to be styled "Fish Commissioners," whose duty shall be to establish fish hatcheries, in locali-

ties suitable to their hatching, upon such of the waters of this State as, in their judgment, shall be most available for the purpose of stocking and supplying the streams and lakes of this State with both foreign and native fish; and for such purpose, may take the ova or spawn from fish now inhabiting the waters of the State; and may purchase and import from other States and countries spawn or ova of valuable fish, suitable for food, and may introduce the same, when obtained, into such rivers, streams, and lakes as they may deem suited to the habits and successful culture of such fish. They may also employ persons who are skillful and expert in the science of fish breeding, and may superintend and direct the construction of fish-ways and fish-ladders that may be built in the streams and waters of this State. The Commissioners may, in their discretion, distribute the ova or spawn to be procured by them to such person or persons as have proper lakes, ponds, or streams for the propagation and breeding of fish, and who will, without expense to the State, take charge of such breeding and propagation.

SEC. 2. Such Commissioners shall hold their respective offices for the term of four years, unless some other persons shall be appointed to fill the vacancy occasioned by death, resignation, or inability to attend to the duties required. The Commissioners authorized to be appointed by this Act shall receive no compensation for their services. The necessary expenses incidental to procuring and distributing the ova or spawn or fish, in the employment of fish-breeders, and in carrying out the provisions of this Act, shall be paid from any moneys that may be appropriated by the Legislature, upon accounts or vouchers to be approved by the State Board of Examiners. The Commissioners shall report biennially to the Governor an account of their transactions under this Act, and make an exhibit of their expenditure of money under its provisions.

An Act to provide for the preservation of fish in the waters of this State, and matters properly relating thereto.

Approved March 14, 1903, p. 114.

SECTION 1. Every person who places or allows to pass, or who places where it can pass or fall into or upon any of the waters of this State at any time, any lime, gas, tar, coculus indicus, slag, acids, or other chemical, sawdust, shavings, slabs, edgings, mill or factory refuse, or any substance deleterious to fish, shall be deemed guilty of a misdemeanor, and is punishable by a fine not less than two hundred and fifty nor more than five hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, for not less than one hundred and twenty-five or two hundred and fifty days; *provided*, that the provisions of this section shall not apply to mills or works for the reduction of ores, nor against the owners or operators of such mills or works so far as concerns the operator of such mills or works.

SEC. 2. All persons, firms, companies, associations, or corporations, who have erected, or who may hereafter erect, any dams, water weirs or other obstructions to the free passage of fish in the rivers, streams, lakes or other waters of the State of Nevada, shall construct and keep in

repair fish-ways or fish-ladders at all such dams, water weirs, or other obstruction; so that at all seasons of the year, fish may ascend above such dams, water weirs, or other obstructions, to deposit their spawn. Any person or persons, firm, company, association, or corporation failing to comply with the provisions of this section after having been notified and required so to do by the proper authority, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than twenty-five days nor more than one hundred and fifty days.

SEC. 3. It shall be unlawful for any person or persons to take, catch, or kill any river, lake or brook trout, or land-locked salmon, white fish, or wide-mouthed bass in any of the streams, lakes, rivers, or other waters within this State between the fifteenth day of September and the thirtieth day of March of the succeeding year. *As amended, Stats. 1909, p. 215.*

SEC. 4. It shall be unlawful for any person or persons to have in his or her possession or to buy or sell, or offer or expose for sale, any river, lake or brook trout or land-locked salmon, white fish or wide-mouthed bass taken, caught, or killed in any river, lake, streams or other waters within this State between the fifteenth day of September and the thirtieth day of March of the year next succeeding. *As amended, Stats. 1909, p. 215.*

SEC. 5. Every cold-storage company or person keeping a cold-storage warehouse, tavern or hotel keeper, restaurant or eating-house keeper, market men or other person who shall sell or expose or offer for sale, or give away or have in his or their possession, any river, lake or brook trout or land-locked salmon, white fish or wide-mouthed bass between the fifteenth day of September and the thirtieth day of March of the year next succeeding, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section eleven of this Act. *As amended, Stats. 1909, p. 215.*

SEC. 6. It shall be unlawful for any common carrier, express company, or any other corporation or person to ship or transport, or receive for shipment or transportation any river, lake or brook trout or land-locked salmon, white fish or wide-mouthed bass, taken, caught or killed in any stream, lake, river, or other waters of this State, between the fifteenth day of September and the thirtieth day of March of the next succeeding year. *As amended, Stats. 1909, p. 215.*

SEC. 7. Any person or persons who buys, sells or offers or exposes for sale any specie of trout less than six inches long within this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section eleven of this Act.

SEC. 8. It shall be unlawful for any person or persons in the State of Nevada at any time to take, catch, or kill any river, lake or brook trout, or land-locked salmon, white fish or wide-mouthed bass, in any of the rivers, streams, lakes, or other waters within this State with any seine, net, spear or grab-hook, or by means of any set line, set hooks, gill net, weir fence, basket, trap, giant powder, or any explosive compound, or with or by means of any other implement or substance, or in any manner except by hook and line; *provided*, that nothing in this

section shall be so construed as to prohibit the Fish Commissioners of this State from taking at all times such fish as are deemed necessary for the purpose of artificial hatching.

SEC. 9. It shall be unlawful for any person or persons to take any spawn or ova from any variety of trout or from any rivers, streams, or lakes, or other waters in the State of Nevada, without having first obtained a written permit so to do from the State Board of Fish Commissioners of the State of Nevada. If there be no State Fish Commissioners the County Commissioners of the county where spawn is to be taken may grant such permission, in consideration and upon agreement, however, with the parties so taking said spawn that not less than ten per cent of all spawn or eggs so collected shall be hatched and said ten per cent shall be planted in the waters from which the eggs were taken and within said county.

SEC. 10. Any person or persons who shall at any time wilfully or knowingly destroy, injure, or obstruct any fish-way or fish-ladder, or any person or persons who shall at any time take or catch any fish in any manner within one hundred feet of any dam containing a fish-way or fish-ladder, which is required by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section eleven of this Act. Nothing in this section shall be so construed as to prohibit the taking of fish for spawning or transplanting purposes by the State Board of Fish Commissioners or other authorized persons.

SEC. 11. Any person or persons violating the provisions of sections three, four, five, six, seven, eight, nine, or ten of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty nor more than one hundred dollars or by imprisonment in the county jail for not less than ten nor more than fifty days, or by both such fine and imprisonment.

SEC. 12. It shall be unlawful for any person or persons, company, association, or corporation, to at any time transport or offer for transportation to any place outside of this State any lake, river or brook trout or land-locked salmon, which are intended to be offered for sale; and any person who shall so transport or offer for transportation any lake, river or brook trout or land-locked salmon, white fish or wide-mouthed bass which are thereafter offered for sale or sold at any place outside of this State, or are offered for sale after being transported outside of this State, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than twenty-five nor more than two hundred and fifty days, or by both such fine and imprisonment.

[A catch of trout or black bass not to exceed twenty fish in any one day by any one person. Night fishing or night hunting prohibited. Fishing season from March 30th to September 15th. See Stats. 1909, p. 215.]

An Act giving authority to the Boards of County Commissioners of the several counties of this State to extend the closed season for fishing in streams and waters of a certain class, and providing for the enforcement of the same.

Approved March 16, 1905, p. 192.

SECTION 1. The Board of County Commissioners of the several counties of this State, each within its own county, are hereby authorized to extend the closed season for fishing in streams and waters within their county which now are, or hereafter shall have been, stocked with food fishes by others than the State or its Fish Commissioner, or authorized agent, to such periods as may in their opinion be required for the protection of the fish in said stream and waters, to the end that the supply of fish for food may be permanently increased.

SEC. 2. This Act shall be made effective by an order of the Board of County Commissioners published in a newspaper within the county, which order shall name the stream or streams and waters within the county in which the catching of fish is to be restricted, and shall state the period over which the closed season is to extend; *provided*, that no such order shall be effective without such publication for the period of at least one month before the date upon which the order is to take effect; *and further provided*, that no such publication shall be made at an expense to the county of more than three dollars.

SEC. 3. Any person who shall violate the provisions of said order of the Board of County Commissioners shall be guilty of a misdemeanor, and shall be fined not to exceed thirty dollars, or imprisoned in the county jail not to exceed fifteen days, or by both such fine and imprisonment, in the discretion of the court, for each offense.

An Act to provide for the protection and preservation of wild game, and to repeal all other Acts in conflict therewith.

Approved March 16, 1903, p. 199.

[Sections 1 to 6, inclusive, repealed by Act of March 24, 1909.]

SEC. 7. It shall be unlawful in this State for any person or persons to use at any time a shotgun of larger caliber than that commonly known and designated as a number ten gage.

[Sections 8 and 9 repealed, 1909.]

SEC. 10. It shall be unlawful for any person or persons, firm, company, corporation, or association, at any and all times of the year to hunt, chase, pursue, run, catch, or kill any deer or antelope, caribou, elk, mountain sheep, or mountain goat, with or by the use of or aid of any hound or hounds.

[Sections 11, 12, and 13 repealed, 1909.]

SEC. 14. Should it be deemed advisable by any Board of County Commissioners for any county within this State to lengthen or extend the time of the close season for any specie of game mentioned in this Act, the said Board of County Commissioners acting for their respective county may by special ordinance extend such close season; *provided, however*, that in no event shall the County Commissioners or any other

organization of men within this State extend the open season or shorten the close season for any specie of game whatsoever; *provided, however*, the County Commissioners of any county in the State acting under the provisions of this Act may change the open season for sagehen or for deer and antelope to an earlier or later date as the necessities of their respective county for the preservation of the above-mentioned game may demand; the length of time during which said game shall be protected shall in all cases remain the same as provided for in this Act. Nothing in this Act shall be so construed as to prohibit any person (upon a written permit of the Governor of the State) from taking or killing any bird or fowl, or collecting the nest and eggs of the same, for strictly scientific purposes.

An Act providing for the protection and preservation of game, and repealing all Acts and parts of Acts in conflict therewith.

Approved March 24, 1909, p. 213.

SECTION 1. It shall be unlawful for any person or persons, firm, company, corporation, or association, to kill, catch, destroy, wound, snare, trap, injure, or pursue with attempt to kill, capture, or destroy, any bluebird, thrush, mocking-bird, oriole, humming-bird, meadow lark, robin, or any other insectivorous, plume, or song-birds within this State.

SEC. 2. It shall be unlawful for any person or persons, firm, company, corporation, or association, to take, kill, wound, trap, net, weir, destroy, injure, or pursue with attempt to take, kill, injure, or destroy any pheasant, bob-white quail, partridge, or any other variety of imported game birds within this State.

SEC. 3. It shall be unlawful for any person or persons, firm, company, corporation, or association, after the first day of October and before the fifteenth day of July of each and every year, to kill, catch, trap, cage, weir, destroy, injure, or pursue with attempt to kill, catch, capture, injure, or destroy any sagecock or sagehen within this State.

SEC. 4. It shall be unlawful for any person or persons, firm, company, corporation, or association, to kill, catch, destroy, injure, snare, weir, wound, or pursue with attempt to take, kill, injure, or destroy any grouse or mountain quail after the first day of January and before the first day of October of each year, within this State.

SEC. 5. It shall be unlawful for any person or persons, firm, company, corporation, or association, at any time after March 15th, and before September 15th, of each and every year, to kill, catch, net, cage, pound, weir, trap, or pursue with attempt to catch, capture, injure, or destroy, any wild duck, sandhill crane, plover, curlew, snipe, woodcock, swan, or wild goose within this State.

SEC. 6. It shall be unlawful for any person or persons, firm, company, corporation, or association, at any time after the fifteenth day of January, and before the fifteenth day of October, of each and every year, to kill, catch, trap, cage, net, weir, pound, destroy, or pursue with attempt to catch, capture, injure, or destroy, any valley quail within this State.

SEC. 7. It shall be unlawful at any and all times of the year for any

person or persons, firm, company, corporation, or association, to disturb or destroy the nest of, or to take or remove from any nest of any wild fowl or game bird mentioned in this Act, any egg or eggs of such wild fowl or game bird, or to have in their possession, or to sell or to offer for sale or exchange, except for scientific purposes, or for the purpose of propagation, any such eggs or nests, within this State.

SEC. 8. Nothing in this Act shall be construed to prohibit any person from selling game killed by himself, but it shall be unlawful for any person or persons, firm, company, corporation, or association, to purchase such game for the purpose of barter or sale, and it shall also be unlawful for any person to kill or have in his possession a greater number than twenty ducks, fifteen mountain quail, ten sagebirds, six grouse, fifteen valley quail, five plover, ten geese, three swan, or fifteen snipe in any one day, within this State.

SEC. 9. The open season for deer and antelope in this State shall be from September 15th, and until October 15th, of each and every year, and during that time it shall be unlawful for any person or persons, firm, company, corporation, or association, within this State, to kill, catch, trap, wound, or pursue with an attempt to catch, capture, injure, or destroy, any number of deer or antelope exceeding two for any one open season or year. It shall be unlawful to kill, catch, trap, wound, or pursue with attempt to catch, injure, kill, or destroy, any antelope or any spotted fawn at any time.

SEC. 10. It shall be unlawful in this State for any person or persons to have in their possession any deer or antelope from and after November 1st of each year and until September 15th of the year next succeeding, and it shall be unlawful for any person or persons to sell or offer for sale or to trade or barter or offer to trade or barter any number of deer or antelope in excess of two during the time intervening between the fifteenth day of September and the first day of November of any year.

SEC. 11. It shall be unlawful for any person or persons, firm, company, corporation, or association, to have in his or their possession, or to sell, buy, transport, or give away, or offer or expose for sale, or purchase from any person, whomsoever, either Indian or other person, any of the birds, animals, or wild game mentioned in this Act during the season wherein the killing, injuring, pursuing, trapping, pounding, weiring, caging, selling, buying, transporting, giving away, offering or exposing for sale, or having in his or their possession is herein prohibited; *provided, however*, that nothing in this Act shall be construed as to prohibit any resident person or persons, firm, company, corporation, or association from taking (upon a written permit from the State Board of Fish and Game Commissioners) any bird, animal, or fowl or the nest or eggs of any bird or fowl for the purpose of propagation or domestication or for scientific purposes.

SEC. 12. Catch of trout or black bass not to exceed twenty fish in any one day by any one person. Night fishing or night hunting prohibited. Fishing season, March 30th to September 15th.

SEC. 13. Any person or persons, firm, company, corporation, or association, or common carrier, violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof

shall be fined in any sum not less than twenty-five dollars nor more than five hundred dollars, or imprisoned in the county jail in the county where the conviction is had for any term not exceeding six months, or by both such fine and imprisonment. It shall be no defense in the prosecution for the violation of any of the provisions of this Act, that the animals or birds were taken or killed outside of the State of Nevada; nor shall it be any defense in the prosecution for the violation of any of the provisions of this Act that the animals or birds were taken or killed by one other than he in whose possession said animals or birds were found; nor shall it be any defense in the prosecution for the violation of any of the provisions of this Act that the person did not know that hunting was not allowed upon the premises on which he was trespassing.

SEC. 14. It shall be the duty of the Board of County Commissioners of any county within this State, when petitioned by fifty taxpayers within their county, for the protection of any variety of birds, fowls, or animals, to draw and pass an ordinance protecting said birds, fowls, or animals for the length of time as prayed for in the petition and to fix a penalty for the violation of said ordinance; said penalty to be in conformity with section thirteen of this Act. When said ordinance is properly drawn and signed by the Chairman of the Board of County Commissioners it shall be published in some newspaper published in the county for the period of four issues, and thereafter it shall be in full force and effect.

SEC. 15. All Acts and parts of Acts in conflict with this Act are hereby repealed. Every railroad company, express company, transportation company, or other common carrier, their officers, agents and servants, and every other person who shall transport, carry, or take out of the State, or who shall receive for the purpose of transporting, or carrying from this State, any deer, buck, doe, or fawn, or any mountain sheep or antelope, or any quail, sage chicken, prairie chicken, grouse, wild ducks, or goose, or any other bird or animal mentioned in this Act, shall be guilty of a misdemeanor.

SEC. 16. It shall be unlawful for any person or persons, firm, company, corporation, or association, to catch, kill, destroy, trap, net, weir, or cage any beaver within this State before the first day of April, A. D. 1920. *Stats. 1909, p. 212.*

An Act to prevent the unlawful destruction of fish and game; to provide for the appointment of Fish and Game Wardens in the several counties of this State, and to define their duties and compensation.

Approved March 12, 1901, p. 57.

SECTION 1. It is hereby made the duty of the several Boards of County Commissioners in this State, at their first regular meeting in April, nineteen hundred and one, and annually thereafter, upon the petition of twenty or more resident taxpayers, to appoint a Fish and Game Warden for their respective counties, who shall reside in the county for which he is appointed. Each warden so appointed, before entering upon the duties of his office, shall take his oath of office, and give an undertaking to the State of Nevada for the use of the respective counties thereof, with two or more sureties, to be approved by the

Board of County Commissioners conditioned for the faithful performance of his duties, and in such sum as the County Commissioners of the several counties may deem sufficient for the faithful performance of the duties of his office and the enforcement of the requirements of this Act.

SEC. 2. Said warden is hereby empowered, and it shall be his duty, to enforce the state laws and all county and municipal ordinances relative to the protection of fish and game; and he shall be vested with the power to make arrests for the violation of such laws and ordinances in any county in this State; to appoint a deputy or deputies who shall have power to transact all official business appertaining to said officer, to the same extent as their principal; *provided*, that said warden shall be responsible for the compensation of such deputy or deputies, and shall be responsible on his official bond for all malfeasance or non-feasance of the same. Bonds for the faithful performance of the duties of his official deputy or deputies may be required of said deputy or deputies by said principal.

SEC. 3. Said Fish and Game Warden shall report quarterly to the Board of County Commissioners of his county, giving a detailed statement of all arrests made, convictions had, fines collected, and generally in regard to the management of his office. Such officers may be removed by the Board of County Commissioners, for intemperance, neglect of duty, or other good and sufficient reasons.

SEC. 4. The salary of Fish and Game Wardens shall be fixed by the County Commissioners of the various counties of this State out of the Fish and Game Preservation Fund; *provided*, that in case of a deficiency in the Fish and Game Preservation Fund, such deficiency shall be paid out of the general fund of the various county treasuries. The salary of said Fish and Game Wardens shall not be more than one hundred dollars, nor less than twenty dollars per month. Said warden shall be allowed a sum not to exceed twenty-five dollars per month for expenses incurred by him in the performance of his duties. *As amended, Stats. 1909, p. 327.*

*An Act for the preservation of a bird known as the American eagle,
within the State of Nevada.*

Approved February 25, 1905, p. 41.

SECTION 1. It shall be unlawful for any person or persons, firm, company, corporation, or association to kill, destroy, wound, trap, injure, keep in captivity, or in any other manner to catch or capture, or to pursue with such intent the bird known as the American eagle, within this State, or to take, injure, or destroy the nest or eggs of said before-mentioned bird.

SEC. 2. Any person or persons, firm, company, corporation, or association violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars, nor more than two hundred dollars, or imprisonment in the county jail of the county in which said conviction is had for any term not exceeding six months, or by both such fine and imprisonment, and in addition to the costs now allowed by law on

criminal prosecution, twenty-five dollars liquidated damages, shall be entered up as costs against such defendant, and collected in the manner now provided by law for the collection of costs in civil action, which said sum of twenty-five dollars shall be paid to the party instrumental in securing the arrest and conviction of said defendant.

SEC. 3. It shall be the duty of the Sheriff and his deputies, Constable and his deputies, District Attorney and all other peace officers in this State, upon receiving information from any person that any provisions of this Act have been violated, to immediately institute proceedings in the proper court against the person or persons thus complained of, and prosecute the same with reasonable diligence to final judgment, and any peace officer refusing to make complaint or institute proceedings as herein provided, shall be guilty of a misdemeanor in office, and fined in any sum not exceeding twenty-five dollars.

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An Act to regulate and license the hunting of game birds and animals, and the taking or catching of fish, and to provide revenue therefrom for game and fish preservation and protection, and to prescribe a penalty for the violation thereof, and to make an appropriation for the purpose of carrying out the objects of this Act.

Approved February 26, 1909, p. 38.

SECTION 1. Every person in the State of Nevada, who hunts, pursues, or kills any of the wild birds or animals, or who takes or catches any of the fishes that are protected by the laws of this State, without first procuring a license therefor, as provided in this Act, is guilty of a misdemeanor.

SEC. 2. Licenses granting the privilege to hunt, pursue, or kill wild birds or animals, or to take or catch fish during the open season as fixed by law, shall be issued and delivered, upon application, by the County Clerk of any of the counties of this State, or by the Fish and Game Warden of any of the counties of this State, which license shall have stamped thereon the words "Hunting License No. State of Nevada. Expires February 28, 19....," with the registration number and appropriate year stamped therein. Said licenses shall be prepared and furnished the County Clerk by the Board of County Commissioners, which board shall take receipt therefor by number and quantity from the County Clerk, and the County Clerk shall be responsible therefor and shall account for the same to the Auditor of said county every three months after receipt thereof.

SEC. 3. The license herein provided for shall be issued as follows:

First—To any citizen of the United States who is a bona fide resident of the State of Nevada, upon the payment of one dollar.

Second—To any citizen of the United States, not a bona fide resident of the State of Nevada, upon the payment of ten dollars.

Third—To any person not a citizen of the United States, upon the payment of twenty-five dollars.

SEC. 4. Every person applying for and procuring a license as herein provided, shall give to the County Clerk his name and resident address,

which information shall be by the clerk or board entered in a book kept for that purpose, and provided by said Board of County Commissioners, together with a statement of the date of issuance, the number of license issued to such person and description of such person, by age, height, race, and color of the eyes and hair.

SEC. 5. All licenses issued as herein provided shall be valid, and shall authorize the person to whom issued, to hunt, pursue, and kill game birds and animals and to take or catch fish during the open season fixed therefor by law, on and from the first day of March, 1909, until the date of expiration stamped thereon, but no license shall continue in force for a period longer than one year.

SEC. 6. All moneys collected for licenses as provided herein, shall be paid into the county treasury to the credit of the Game and Fish Preservation Fund, which fund is hereby created, and the moneys in said fund shall be applied to the payment of the expenses incurred in the prosecution of offenders, and for the revenue to pay Fish and Game Wardens and deputies when necessary to hire Deputy Fish and Game Warden or Wardens.

SEC. 7. Not more than one license shall be issued to any one person for the same fiscal year, except upon an affidavit by the applicant that the one issued has been lost or destroyed, and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued.

SEC. 8. Every person having a license as provided herein who while hunting or fishing refuses to exhibit such license upon the demand of any officer authorized to enforce the fish and game laws of the State, or any other peace officer of the State, shall be guilty of a misdemeanor, and every person lawfully having said license, who transfers or disposes of the same to another person to be used as a hunting or fishing license, shall forfeit the same.

SEC. 9. Every person violating any of the provisions of this Act shall, upon conviction thereof, be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than five, nor more than fifty days, or by both such fine and imprisonment.

SEC. 10. There is hereby appropriated out of any moneys in the county treasury, not otherwise appropriated, the sum of seventy-five dollars for the purpose of carrying out the provisions of this Act, to be used by the Board of County Commissioners for the printing and binding of suitable books and blanks required herein, and for the purchase of metal licenses. The County Auditor is hereby directed to draw his warrant for said amount in favor of said Board of County Commissioners at such times and in such amounts as may be needed from time to time, and the Treasurer is hereby directed to pay the same.

SEC. 11. The provisions of this Act shall not apply to any person who, on his own land, during the open season, hunts, pursues, or kills any of the wild birds or animals, or takes or catches any of the fish protected by the laws of this State, nor to women or to boys under fourteen years of age.

SEC. 12. The license herein provided for shall be procured from the county of which the applicant is a resident, and may be used in any

county in the State of Nevada. Non-residents of the State may procure a license in any county.

SEC. 13. This Act shall take effect and be in force on and after its passage.

SPECIAL SCHOOL LAWS.

The following special laws were passed at the Twenty-fourth Session of the State Legislature. They may be found in full in the Statutes of 1909:

Authorizing the Board of School Trustees of East Ely School District to issue bonds, p. 14.

Creating and confirming Las Vegas School District No. 12, in Lincoln County, p. 41.

Amending the Act permitting the establishment of county high schools, p. 43.

Authorizing the Board of School Trustees of Fallon District No. 4 to issue bonds, p. 57.

Authorizing the City Council of Reno to sell McKinley Park to Reno School District No. 10, p. 77.

Providing for the purchase of additional land for the University of Nevada, p. 101.

Authorizing the Board of County Commissioners of Lyon County to issue bonds for county high school, p. 145.

Authorizing the Board of County Commissioners of Humboldt County to pay certain high-school salaries and expenses, p. 159.

Providing for a state loan and its repayment by issuing certain bonds, p. 184.

Authorizing Boards of County Commissioners to establish district high schools, p. 226.

Providing for the transfer of certain county and township funds to the support of the public schools, p. 245.

Joint Resolution No. 1, amending Section 3 of Article XI of the Constitution, p. 340.

Concurrent Resolution No. 3, amending Section 3 of Article XV of the Constitution, p. 349.

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