

CARSON CITY, August 14, 1920.

HON. C.L. DEADY, *Surveyor-General and State Land Register*.

DEAR GENERAL: The papers submitted to me by you, relative to the request that you consent to the placing within the Walker Irrigation District of certain lands, has been considered by me.

The lands in question are now the subject of state contracts issued by your office. If you give your consent that such lands become a part of the district, then, according to section 45 of the Irrigation District Act, enacted in 1919 (Stats. 1919, p. 84), the burden will be placed on the State, if the Act is enforceable, of paying the charges and tolls against the said state lands. The contract-holders, relative to said lands, will become the recipients of special favors from the State and the assumption of such a burden by the State as to lands which are now under contracts of sale seems unreasonable.

A vital point in connection with this subject is the fact that there is not a specific and definite appropriation to pay any charges and tolls for which the State would become liable. It is very likely that the possessory right to state lands of a contract-holder may be brought within the district under the terms of the said Irrigation District Act, and, as long as the contract is in force, the contract-holder may be within the district. If, however, the contract is forfeited, there will then be no binding obligations on the State as to said land, as far as the irrigation district is concerned. The complications are such that I cannot see my clear to advise you to give the consent required.

I beg to remain

Very truly yours,
L.B. FOWLER, *Attorney-General*.

164. Elections—Signers of Petition for Independent Candidate Do Not Lose Party Standing.

CARSON CITY, August 14, 1920.

MR. BYRON GATES, *Justice of the Peace, Dayton, Nevada*.

DEAR JUDGE: A person who signs a petition for an independent candidate does not lose his party standing and has the absolute right to vote at the primary election.

I beg to remain

Very truly yours,
L.B. FOWLER, *Attorney-General*.

165. Prohibition Law—Use of Alcohol by Hospitals Permitted.

CARSON CITY, August 16, 1920.

HON. CLARK J. GUILD, *District Attorney, Yerington, Nevada*.

DEAR SIR: The primary purpose of the Nevada prohibition law is to prevent the use of alcohol in any detrimental form as a beverage. Section 4 regulates the method whereby alcohol

may be sold for medicinal purposes. Another part of the section regulates its sale for pharmaceutical, scientific, and mechanical purposes.

i am of the opinion that the word “scientific” will cover the use of alcohol in a variety of ways in hospitals that do not come within the meaning of the words “medicinal purposes.” The use for the purpose of sterilizing surgical instruments, sponging of patients, and as a general antiseptic, when not prepared and used in a way that is potable, may more intelligently be brought within the meaning of the word “scientific” than the words “medicinal purposes.”

In our present state of science, it seems that pure grain alcohol is the only discovered liquid that can be used for sterilization purposes that will neither injure surgical instruments, hospital apparatus, or patients.

A construction of our law that will seriously impair the running of hospitals according to the highest standard should be avoided if possible.

I am, therefore, of the opinion that a position contrary to the one herein taken would be so detrimental to the interests of humanity that it would conflict with, rather than support, the intent and purpose of the law under consideration.

I beg to remain

Very truly yours,
L.B. FOWLER, *Attorney-General*.

166. Elections—Signers of Petition for Independent Candidates Do Not Lose Party Standing.

CARSON CITY, August 21, 1920.

HON. L.E. GLASS, *County Clerk, Tonopah, Nevada*.

DEAR SIR: You are hereby advised that any legally registered voter, regardless of whether or not his politics are designated, may sign the petition of an independent candidate for office. By doing so he does not lose his party standing and his right to vote at the primary election. The purpose of the law is not to make it practically impossible for a person to run as an independent candidate for office. It is an affirmative right given to any citizen, and the law should be construed so that it will support, rather than impair, his right.

The requirement that he must obtain the signatures of a certain percentage of the voters of the State, district, or county where he is a candidate is a test of his good faith, and, to a certain extent, of his general standing. All that he is required to do is to obtain the signatures of eligible voters, and when he does this, and has the number required by law, his petition then passes beyond the pale of successful legal attack.

I beg to remain

Very truly yours,
L.B. FOWLER, *Attorney-General*.

167. Judicial Procedure—Criminal Law—Corporations—No Law Defining Criminal Offense for Officers to Draw Corporate Checks in Name of Corporation.

CARSON CITY, August 24, 1920.