

ascertain if he thought my conclusions were incorrect, and, if so, the same could be reversed by him. After a thorough discussion of the matter and the application of statutory rules of construction, we are agreed that the ruling heretofore made by me is sound and will stand the test of the courts. In accordance therewith, we are applying my ruling to two instances in White Pine County, a copy of the opinion to the District Attorney being enclosed for your information.

By order of the Attorney-General:

Respectfully submitted,

ROBERT RICHARDS, Deputy Attorney-General.

125. Nepotism Law--Its Application Defined in a Certain Instance.

CARSON CITY, June 26, 1922.

HON. CHAS. A. WALKER, District Attorney, Ely, Nevada.

Dear Sir: We have your inquiries calling for our official opinion as to whether or not (1) a brother of a County Commissioner may serve as Deputy County Treasurer, and (2) whether or not the County Board of Education may employ the son of one of its members to superintend the construction of a high school at a certain per cent of the contract price.

Wherever the power of appointment subsists in a board, no valid appointment may be made by that board of an employee within the prohibited degrees of consanguinity or affinity, even though the member of the board so related did not vote or voted against the appointment, as the appointment when made is the act of the board for which each member is legally responsible. If the Nepotism Act, Stats. 1915, p. 17, were otherwise construed, it would be subject to repeated evasions and the policy of the Act would thereby be frustrated.

By order of the Attorney-General:

Respectfully submitted,

ROBERT RICHARDS, Deputy Attorney-General.

126. Elections--Ballot--Alphabetical List of Candidates Thereon--Certain Candidates' Place Thereon Defined.

CARSON CITY, June 30, 1922.

HON. GEO. BRODIGAN, Secretary of State.

Wherever the power of appointment subsists in a board, no valid appointment may be made by that board of an employee within the prohibited degrees of consanguinity or affinity, even though the member of the board so related did not vote or voted against the appointment, as the appointment when made is the act of the board for which each member is legally responsible. If the Nepotism Act, Stats. 1915, p. 17, were otherwise construed, it would be subject to repeated evasions and the policy of the Act would thereby be frustrated.

By order of the Attorney-General:

Respectfully submitted,

ROBERT RICHARDS, Deputy Attorney-General.

127. Criminal Law--Strikes--Railroads Have Constitutional Right to Employ upon Their Property, for Its Protection, Armed Guards.

CARSON CITY, July 12, 1922.

HON. EMMET D. BOYLE, Governor of Nevada.

Dear Sir: We have your letter of this date calling for our official opinion upon the following inquiry:

May railroad companies employ watchmen and guards for the purpose of protecting their property and their employees, while upon their property and premises, from injury, harm, destruction or molestation, and who, being so employed upon such property and premises, may carry arms, concealed or unconcealed, for the declared purpose of such protection?

Irrespective of any statutory provision upon the subject, it is an inalienable right that every one shall be secure in his person and his property. This inalienable right has been carried into positive expression in the Constitution of the United States and the Constitution of the State of Nevada: the provision of the latter in this respect being as follows: "All men are, by nature free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and pursuing and obtaining safety and happiness." This declaration is paramount; and therefore persons employed to watch or guard property have the right to wear arms, concealed or otherwise, so long as they remain on the property or premises of those employing them, and are actually discharging such functions.

Section 6568 of the Revised Laws of 1912 provides that "it shall be unlawful for any person in this State, except peace officers, or persons while employed upon or traveling upon trains, stages, or other public conveyances, to wear, carry or have concealed upon his person, in