

The Acts in question are: Sections 30, 37-40, Revised Laws; Stats. 1913, p. 36, abolishing the office of Road Supervisor of White Pine County, authorizing the division of said county into road districts, and providing for the election of Road Supervisors, and fixing their duties and compensation. This is a special Act relating to White pine County alone, and was approved March 16, 1913. Also an Act to provide for a uniform system of road government (Stats. 1913, p. 390), approved March 26, 1913.

You were correctly advised by your District Attorney that section 1540, Rev. Laws, clearly gives you the right to transfer money from other funds of the county to the road fund, provided there is any surplus in any of the other funds. The Act of 1913, p. 390, provides for the creation of a special road fund by bond issue to be provided by popular vote. If such fund is not created, it is provided that the cost of all county road and bridge works shall be paid out of the county general fund by order of the board. I think that the Act of 1913, 36, is illegal as being in contravention of article 4, sections 20 and 21, of the Constitution; section 20 prohibiting local or special laws; and section 20 prohibiting local or special laws; and section 21 providing that where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State. I am also of the opinion that the Act of 1913, p. 36, which was approved March 6, 1913, being a special Act, was repealed by implication by the general Act of 1913, 390, providing for a general system of road government.

I think you are mistaken in the statement "that a Road Supervisor, or any other official elected by a majority of the qualified electors of his county, cannot be removed from office without just cause by an Act of the Legislature of our State." It has frequently been held that the employment of a public official is not a contract, and that upon abolition of the office by the enactment of a new law, or by the declaration of the Act under which he holds the office to be unconstitutional, confers no right upon such official to continue to perform the duties and receive the compensation attached to the office.

In conclusion, let me say that I am very sorry not to coincide in the position you take in the matter, but I am of the opinion that you are correctly advised by your District Attorney in the communication above mentioned.

Respectfully submitted,

GEO. B. THATCHER, Attorney-General.

128. Elections--Registrations--Alienage--Naturalization.

1. If the Registry Agent is satisfied through propounding the questions provided in sec. 11, chap. 2, of the Election Law (Stats. 1913, 499), that the father of an applicant for registration was duly naturalized, he may be registered.

2. A declaration of intention to become a citizen does not make the alien a citizen. He remains an alien until his naturalization becomes complete.

Carson City, July 16, 1914.

HON. HENRY M. LILLIS, Las Vegas, Nevada.

DEAR SIR: Answer to your favor of the 26th ultimo, asking opinion on certain questions of that portion of the Election Law concerning registration of voters, has been delayed by press of business in the office.

You ask two questions:

1. If a man comes to this country under legal age with his alien father, and does not have his father's naturalization papers, and all the evidence he presents of his father's naturalization is his own word or oath, if he takes an oath that his father was citizen of the United States, does this entitle him to registration, and does it constitute and make him a bona fide citizen for registration?
2. If such alien came to this country under age and his father took out his first papers, but died before he could legally take out his second or full papers, does the father's intention papers qualify the son, and make him a citizen?

Sec. 11, chap. 2, of the Election Law (Stats. 1913, p. 499) provides how a naturalized citizen may become registered in case of the loss or destruction of his certificate of naturalization, and requires the Registry Agent to propound to such applicant certain questions. The purport of such questions is to ascertain from the applicant what would be disclosed by the certificate of naturalization, were the same produced. It has been held that an exemplified copy of the record is the best evidence of naturalization, but it has also been held that when the record of naturalization proceedings has been destroyed, secondary evidence is permissible to prove the party has become a citizen. Under the circumstances enumerated in the first question, if the applicant for registration knows in what court and at what time his father was naturalized, it would be well to require him to procure a copy of the record so that the same might be exhibited to you, but, if he cannot supply such copy of the record, it would be well to propound to him the questions set forth in section 11 under oath, and if from the answers thereto you are satisfied that the applicant's father was naturalized in this country and that the son is entitled to registration, he may be registered by you, or he may be refused registration in your discretion.

In answer to your second question, let me say that the declaration of intention to become a citizen does not make the alien a citizen. An alien remains such until his naturalization becomes complete. Inasmuch as the parent of the person named in your question died before he could take out his second or full papers, citizenship was not acquired by him and his child stands on the same footing, and will have to take the same steps to be naturalized as would any other alien arriving in this country under age.

Respectfully submitted,

GEO. B. THATCHER, Attorney-General.