

The Act providing for a quarantine is found in chap. 280, p. 456, of the Statutes of 1913. Section 8 of said Act provides: "All costs of fumigation, disinfectant or treatment ordered to be performed by said State Quarantine Officer shall be borne by the owner of such commodity."

You inquire: "Would it be possible in your opinion to compel the owner to pay a reasonable expense of impounding under that provision?" In view of the fact that the treatment ordered by the State Quarantine Officer is that dogs and cats shall not be allowed to run at large upon the streets of Tonopah, and in order to enforce this is the Deputy Quarantine Officer must impound such stray dogs and cats as he may find, I am of the opinion that the actual expense thereof must be borne by their owner.

Yours very truly,

GEO. B. THATCHER, *Attorney-General.*

BY EDW. T. PATRICK, *Deputy.*

4. Election–Recall Elections–Recall Petitions–Constitutional Law.

Under Stats. 1913, p. 400, each recall petition should be complete in itself, having a heading and signature.

Each separate petition should be verified by one of the signers thereof.

Under the provisions of sec. 8 of art. 2 of the Constitution twenty-five per cent (25%) of the qualified electors of the State, county, or district electing the officer to be recalled must sign the petition for a recall.

The office of the Justice of the Supreme Court is selected because it is the only state office to which a candidate is elected every two years.

CARSON CITY, January 13, 1917.

HON. G.A. BALLARD, *District Attorney, Virginia City, Nevada.*

DEAR SIR: I am in receipt of your favor of the 12th instant, asking interpretation of certain sections of the recall law (Stats. 1913, chap. 528, p. 400).

It seems that two petitions have been filed with your County Clerk seeking recall of two School Trustees of the Virginia School District no. 2. It further appears that each petition consists of the collection of separate sheets or petitions with the headings removed; that parts containing the signatures being combined under one heading. It further appears that separate petitions which were not separately verified, but that the signatures on several petitions were combined into one and that one verified by the signer of only one of the parts. It seems to me that these petitions are not in proper form because, the headings being removed, there is nothing before the County Clerk by which he can in fact determine that the signatures presented to him were really attached to a petition seeking the recall of the two School Trustees in question.

Moreover, section 3 of said Act contemplates that each separate petition shall be verified by one of the signers thereof.

You also call my attention to the language of the recall amendment of the Constitution, being sec. 8 of art. 2 as the same is set forth in sec. 257, Rev. Laws. Such recall amendment provides: "Not less than twenty-five per cent (25%) of the qualified electors who vote in the * * * district electing said officer at the preceding election for Justice of the Supreme Court shall file their petition in the manner herein provided demanding his recall by the people."

The purpose of this provision of the Constitution is to indicate how many signatures of electors of the district the petition must contain. Thus, if 200 such electors voted at the election

of 1916 for Justice of the Supreme Court, the petition must embrace the signatures of 50 of these. The office of Justice of the Supreme Court is selected because it is the only state office to which a candidate is elected every two years.

It is therefore the opinion of this office that on account of the informality of the petitions above noted the same should not be received and acted upon by your County Clerk.

Yours very truly,

GEO. B. THATCHER, *Attorney-General*.

BY EDW. T. PATRICK, *Deputy*.

5. Conveyances–Water Rights–Conveyance of–State Engineer.

A transfer of assignment of a water right without the acknowledgment required by sec. 1025, Rev. Laws, invalid and no such assignment should be recognized by the State Engineer.

The form of conveyance of a water right should be the same as those used for deeds of real estate.

CARSON CITY, January 13, 1917.

HON. W.M. KEARNEY, *State Engineer, Carson City, Nevada*.

DEAR SIR: I am in receipt of your favor of the 8th ultimo, asking opinion of this office as to form of conveyance of water rights. You state: "The question has come up as to whether or not an assignment of the water right without the acknowledgment is valid, and whether or not it is a proper transfer." There can be no doubt that a transfer of water right is a transfer of real property.

Section 1019, Rev. Laws, provides: "Every conveyance in writing whereby any real estate is conveyed or may be affected, shall be acknowledged or proved and certified in the manner hereinafter provided."

Section 1025, Rev. Laws, provides the form of acknowledgment.

From the foregoing I am of the opinion that a transfer or assignment of a water right without the acknowledgment provided by law is invalid and no such assignment should be recognized by your office. The form of conveyance of a water right should be the same as those used for deeds to real estate.

Yours very truly,

GEO. B. THATCHER, *Attorney-General*.

BY EDW. T. PATRICK, *Deputy*.

6. Licenses–State Liquor License–Alcohol–Words and Phrases–"Alcohol" Defined.

Alcohol is a spirituous liquor within the meaning of sec. 6, Stats., 1915, 238.

There is an implied reservation in all state liquor laws relating to saloon licenses that the liquors therein mentioned are potable.

"Denatured alcohol" is defined.

A state liquor license is not required from one selling denatured alcohol, but is required for the sale of pure alcohol.

If the pure alcohol is mingled with some substance which would make it unpalatable and unfit for use as a beverage, it also may be sold without the payment of a liquor license.