

“Acting” May Be Regarded as Surplusage.

CARSON CITY, December 12, 1921.

HON. GEO. A. COLE, *State Controller*.

DEAR SIR: Confirming the oral opinion given to you by me, I beg to advise that the designation of George W. Borden, as Acting Highway Engineer, can in nowise affect the validity of his appointment. He is actually State Highway Engineer and the word “Acting” must be treated as surplusage.

Yours very truly,
L.B. FOWLER, *Attorney-General*.

84. Recall Petition—Signer Thereof May Not Withdraw.

CARSON CITY, December 31, 1921.

HON. H.J. MURRISH, *District Attorney, Lovelock, Nevada*.

DEAR SIR: Replying to your inquiry, as to whether or not an elector who has signed a recall petition is possessed of the privilege of withdrawing his name therefrom after the petition has been filed, I beg to reply in the negative. I am satisfied that neither section 9 of article 2 of the Constitution of Nevada, nor the statute enacted to make said section of the Constitution effective, contemplates any amendment by way of addition or subtraction of a petition for the recall of an officer after the filing thereof has occurred.

Immediately upon filing, the machinery relative to a recall of any officer is put in operation. No officer or officers are possessed of any discretionary powers in regard thereto. The Constitution and the statute should be construed and interpreted to make effective the spirit thereof. If electors give their names for the purpose of making possible a petition for the recall of an officer, and thereafter, by means of various and sundry ways, they are persuaded or coerced into making a request that their names be withdrawn and thereby destroy the basis upon which a recall election must rest, the objects and purposes of the constitutional section mentioned and the statue will be unjustly frustrated and will practically prevent any attempt on the part of the people to ever have a public officer recalled.

Yours very truly,
L.B. FOWLER, *Attorney-General*.

85. Public Schools—A Certain Bond Issue Approved.

CARSON CITY, December 31, 1921.

NEVADA INDUSTRIAL COMMISSION, *Carson City, Nevada*.

GENTLEMEN: A careful examination has been made by me of all the proceedings relative to a bond issue for Caliente School District, Lincoln County, State of Nevada. I find that they are all regular and legal and that the bond issue made pursuant thereto is a valid issue and from a legal standpoint you will be safe in purchasing said bonds.

Yours very truly,