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ARIZONA ATTORNEY GENERAL

February 23, 1934
Letter Opinion
No. 54-37-L

The Honorable D. W. Martin
House of Representatives
Capitol Building
Phoenix, Arizona

Re: Prescott Historical Society

Dear Mr. Martin:

Pursuant to your oral request concerning appropriations for the Prescott Historical Society, the following information has been obtained by this office.

The Prescott Historical Society has never been created by enactment of the Arizona Legislature. Chapter 32, Session Laws of 1917, provided for the purchase and restoration of the old gubernatorial mansion at Prescott. One of the provisos in this Act read to the effect that the State Board of Control was given the authority to purchase the old gubernatorial mansion provided:

"* * * however, that a good and sufficient agreement be first executed and delivered to the board of Control in the name of the State of Arizona, by the mayor and common council of the City of Prescott, guaranteeing in perpetuity full care and maintenance of said Gubernatorial Mansion."

On January 20, 1927, the city of Prescott turned the gubernatorial mansion over to Sharlet Hall for her use during her lifetime. Following her death, it is presumed that the property was turned over to the Prescott Historical Society.

Article 9, Section 7 of the Arizona Constitution provides that no appropriation may be made by the Legislature which is a donation or a grant to any individual, association, or corporation. However, the appropriation to the Prescott Historical Society would not fall within this constitutional prohibition. The old

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gubernatorial mansion was purchased by the state pursuant to Chapter 32, Session Laws of 1917, supra. The state, in the past, has appropriated certain amounts to the Governor for the use of the Prescott Historical Society. This should not be considered a donation, grant or subsidy to the Prescott Historical Society, but rather should be considered as compensation to the Society for their services in preserving state property. It is the considered opinion of this department that the appropriations have, therefore, been consonant with the law and the constitution of the State of Arizona.

I trust that this answers all of your questions concerning this matter.

Yours very truly,

ROBERT C. STUBBS
Assistant to the
Attorney General

RCS:bhh