

SPECIAL COLLECTIONS  
PERIODICAL

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Edited by  
MULFORD WINSOR  
Law and Legislative Reference Librarian

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PHOENIX  
STATE LIBRARY OF ARIZONA  
1936

## THE LIBRARIAN'S NOOK

**"The Supreme Court Says:"** Between July 1, 1935, when we inaugurated this department (*State Library Newsletter* No. 2), and October 15, 1936, the Supreme Court handed down opinions interpreting the law in about 160 cases, covering a wide range of subjects, all determining important political, social, or property rights, many of them involving highly complex legal and equitable considerations, and not a few weighted with broad public significance.

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**Court Seldom Divided** It is notable that in only five instances was there a divided court, the percentage of unanimity therefore being as thirty-two to one—a fine record of team work evidencing the practical certainty of justice.

\* \* \*

**Opinions Summarized.** For the particular benefit of members of the Legislature and public officials, but not excluding any other interested persons to whose attention *State Library Newsletter* may come (greeting), we have segregated those cases which definitely bear upon the legislative processes, the constitutionality of legislative acts, and the duties of public servants, and endeavored briefly to summarize the features of each opinion having a distinct public significance. No note has been made of personal or pecuniary aspects of decisions.

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**Calling All Public Servants** It is hoped that by calling attention, from time to time, to the Court's interpretations of the Constitution and the statute law as they relate to the acts of public servants, those charged with the making of laws and the management of the people's business will be assisted in the more accurate performance of their duties.

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**Could Be More** Some thirty-odd other opinions interpreting laws administered by various departments—the industrial commission, tax commission, corporation commission, superintendent of banks, and so forth—might with profit be included in this survey, but space precludes.

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**Bibliography and Check-list** The State Library has for many years made a practice of issuing an annual check-list of such state reports and publications as it had a sufficient supply of for exchange purposes, and for distribution to applicants. It proved to be a useful practice—one we should like to see adopted by the exchange agencies of other states. It would relieve them of the expense of sending to their exchanges any but really desired publications, and the exchange libraries would in turn be relieved of the problem of caring for publications not suited to their needs. On the part of states which neither furnish check-lists nor voluntarily send state departmentals to the libraries of other states it would be a fine token of cooperation. So much for check lists.

In expanding our list to its present form, and making of it a bibliography of publications, reports, and public documents of state agencies, regardless of whether we are able to supply them or not, its usefulness has been taken out of the transient class and made lasting. It forms a permanent record—we hope a complete one—of research material invaluable to research workers and students, and will be sought even more in future years than it is today.

## BIBLIOGRAPHY AND CHECK-LIST

Publications, Reports, and Public Documents of Arizona State Agencies, issued or received during the period July 1, 1935, to June 30, 1936.

Persons interested in procuring items are requested to carefully observe the following:

Items indicated by a single asterisk (\*) may be procured, if at all, by addressing the agency of origin.

Items indicated by a double asterisk (\*\*) are definitely not available for distribution.

Items not designated by either mark may be had, while they last, by applying to the State Library.

### Accountancy, Board of

Statement of cash receipts and disbursements, 1933. B. G. Darrow, president; R. L. Jones, secretary. 1 p., typed.\*\*

Statement of cash receipts and disbursements, 1934. R. L. Jones, president; Arthur C. Rogers, secretary. 1 p., typed.\*\*

Adjutant general. See Military department

### Agriculture and horticulture, Arizona commission of

Report of State entomologist, fis. yr. 1935-36. D. C. George, State entomologist. 7 p., typed.\*\*

Architects. See Registration

Assayers. See Registration

### Attorney-general

In the supreme court of the United States. State of Arizona, plaintiff, v. states of California, Colorado, Nevada, New Mexico, Utah and Wyoming, defendants. Motion for leave to file bill of complaint and bill of complaint. John L. Sullivan, Attorney-general; James R. Moore, Charles L. Strauss, special attorneys, Solicitors for plaintiff. Oct. term, 1935. 47 p., map., pam.\*\*

Joint return of State of California and State of Nevada to rule to show cause and separate briefs for State of California and State of Nevada in support of the return. U. S. Webb, Attorney-general, State of California; Phil D. Swing, of counsel for the State of California; Gray Mashburn, Attorney-general, State of Nevada. Oct. term, 1935. 127 p., pam.\*\*

### Auditor, State

24th ann. report, fis. yr. ended June 30, 1935. Ana Frohmiller, State auditor. 90 p., mimeo.

25th ann. report, fis. yr. ended June 30, 1936. 90 p., mimeo.

Old age pensions, for fis. yrs. July 1, 1933-June 30, 1936. 4 p., typed.\*\*

### Banking department, State

Ann. report of Superintendent of banks, fis. yr. ended June 30, 1936, including condensed statement of reports of State and National banks of Arizona, June 30, 1936. Y. C. White, Superintendent. 8 p., typed; 1 broadsheet, printed.\*\*

Condensed statement of reports of State and National banks of Arizona, November 1, 1935. 1 p.\*

\_\_\_\_\_ December 1, 1935. 1 p.\*

\_\_\_\_\_ March 4, 1936. 1 p.\*

\_\_\_\_\_ June 30, 1936. 1 p.\*

**Barber examiners, Board of**

1st ann. report of Board of barber examiners, June 22, 1935-December 31, 1935. F. H. Sheid, secretary. 5 p., typed.\*\*

**Contractors, Registrar of**

Report of Registrar of contractors, June 30, 1935-December 31, 1935. H. C. Sparks, Registrar. 4 p., typed.\*\*

**Corporation commission**

23rd ann. report of the Commission, fis. yr. ended June 30, 1935. Includes reports or summaries of reports of Incorporating division, Insurance division, Investment division, Motor vehicle division, Rate (or railroad) division, Public utility division. Chas. R. Howe, chr.; W. T. Wright, W. M. Cox, coms.; M. C. Hankins, sec. 37 p., typed.\*\*

24th ann. report, fis. yr. ended June 30, 1936. 39 p., typed.\*\*

\_\_\_\_\_ *Insurance division*

23rd ann. report, fis. yr. ended June 30, 1936. Geo. A. Brown, asst. sec. of com. and director of ins. div. 53 p., pam.

**Deaf and the blind, Arizona State school for the**

Financial statement, fis. yr. 1934-35. Robt. D. Morrow, supt. 20 p., typed.\*\*

\_\_\_\_\_ fis. yr. 1935-36. Not completed.

Third quarterly audit of the Arizona State school for the deaf and the blind, Jan. 1, 1935-March 31, 1935. 9 p., typed.\*\*

Arizona cactus. Published monthly (excepting June-Aug. incl.), by the Arizona State school for the deaf and the blind. Vol. 11, nos. 1-8, Sept., 1935-May, 1936. 20-24 p., mag.\*

**Education, State board of**

Course of study for elementary schools of Arizona. (Health education: Physical education). Bulletin no. 9, State department of education (sic), 1935. Gov. E. B. Moeur, chr. ex-officio; H. E. Hendrix (Phoenix), sec.; Homer L. Shantz (Tucson), Grady Gammage (Tempe), T. J. Tormey (Flagstaff), John D. Loper (Phoenix), A. W. Hendrix (Prescott), Mrs. Dorothy E. Sykes (Globe), mems. 212 p., pam.\*

\_\_\_\_\_ (Industrial arts). Bulletin no. 10. 1936. 61 p., mimeo.\*

\_\_\_\_\_ *Tests and measurements*

Arizona spelling demons. J. Morris Richards. Reprint from The Arizona teacher, Jan., 1936. 3 p., pam.\*

See also Superintendent of public instruction

See also Vocational education

**Emergency relief administration.** See Public welfare

**Engineer, State**

Report on development of irrigation and domestic water supplies for the State industrial school. Jan. 8, 1931. 35 p., typed, blue prints.\*\*

**Engineers.** See Registration

**Equalization, State board of**

Proceedings of the State board of equalization, 1935. Members of State tax commission are members ex-officio of State board of equaliza-

tion: Thad M. Moore, chr.; Frank Luke, D. C. O'Neill, mems.; C. L. Standage, sec. 85 p., typed.\*\*

#### Examiner, State

Report, January 4, 1933 to July 1, 1936. A. Dumbauld, State examiner. 218 p., typed.\*\*

Audit report of Apache county. 7 n. p. plus 125 p., typed.\*\*

##### Includes:

Treasurer, Nov. 1, 1930-June 1, 1935.  
Recorder, July 31, 1929-April 30, 1935.  
Sheriff, July 1, 1929-June 1, 1935.  
Assessor, Jan. 1, 1931-May 1, 1935.  
Clerk of the superior court, July 1, 1929-June 1, 1935.  
Board of supervisors, July 1, 1930-June 1, 1935.

Audit report of Apache county, office of the School superintendent, and all grade and high schools. July 1, 1930-April 1, 1935. 314 p., typed.\*\*

Detailed report of current issued obligations of Cochise county to April 1, 1936. 69 p., typed.\*\*

Audit report of Cochise county, office of Assessor. Jan. 1, 1929-Jan. 1, 1936. 59 p., typed.\*\*

Audit report of Coconino county. 8 n. p. plus 171 p., typed.\*\*  
1930-June 30, 1936, incl. 13 n. p. plus 87 p., typed.\*\*

Audit report of Cochise county, office of County school superintendent. July 1, 1929-April 1, 1936. 129 p., typed.\*\*

Audit report of Cochise county, office of Treasurer. Aug. 1, 1929-March 31, 1936, incl. 18 n. p. plus 56 p., typed.\*\*

Audit report of Cochise county, office of Justice of the peace, Bisbee precinct no. 1. Jan. 1, 1929-April 30, 1936. 4 n. p. plus 8 p., typed.\*\*

Audit report of Cochise county, office of Justice of the peace, Douglas precinct no. 2. Jan. 1, 1933-June 1, 1936. 8 p., typed.\*\*

Audit report of Coconino county. 8 n. p. plus 171 p., typed.\*\*

##### Includes:

Treasurer, July 1, 1931-June 30, 1935, incl.  
Supervisors, July 1, 1930-June 30, 1935, incl.  
School superintendent, July 1, 1930-June 30, 1935, incl.  
Assessor, Sept. 29, 1931-July 31, 1935, incl.  
Recorder, Sept. 1, 1931-July 31, 1935, incl.  
Clerk of superior court, Oct. 1, 1931-July 31, 1935, incl.  
Sheriff, July 1, 1930-June 30, 1935, incl.  
Justice of the peace, Flagstaff precinct, Oct. 1, 1931-June 30, 1935, incl.  
Justice of the peace, Williams precinct, Nov. 26, 1933-June 30, 1935, incl.

Audit report of Graham county, office of Assessor. April 1, 1933-Nov. 26, 1935. 24 p., typed.\*\*

Audit report of Maricopa county, office of Clerk of the superior court. July 18, 1930-Oct. 31, 1934, incl. 5 n. p. plus 36 p., typed.\*\*

Audit report of Maricopa county, office of Treasurer. March 1, 1927-Jan. 1, 1934, and finance analysis to July 1, 1934. 29 n. p. plus 224 p., typed.\*\*

Audit report of Maricopa county, office of Justice of the peace, Buckeye precinct, April 1, 1925-Jan. 5, 1935, incl. 9 p., typed.\*\*

Audit report of Maricopa county, office of the Justice of the peace, East Phoenix precinct. March 1, 1925-March 31, 1934, incl. 5 n. p. plus 53 p., typed.\*\*

Audit report of Maricopa county, office of Justice of the peace, West Phoenix precinct. March 11, 1925-Dec. 31, 1934, incl. 3 n. p. plus 22 p., typed.\*\*

Audit report of Navajo county. 17 n. p. plus 212 p., typed.\*\*

Includes:

Treasurer, Oct. 1, 1931-Dec. 31, 1935.

Board of supervisors, July 1, 1930-Dec. 31, 1935, incl.

High and grade schools, July 1, 1930-Dec. 31, 1935, incl.

Audit report of Santa Cruz county. 32 n. p. plus 184 p., typed.\*\*

Includes:

Treasurer, Oct. 1, 1930-Sept. 30, 1935, incl.

Board of supervisors, July 1, 1930-June 30, 1935, incl.

School and school superintendent, July 1, 1930-June 30, 1935,  
incl.

Assessor, Oct. 1, 1930-Sept. 30, 1935, incl.

Recorder, Sept. 1, 1930-Sept. 30, 1935, incl.

Clerk of superior court, Sept. 1, 1930-Oct. 7, 1935, incl.

Sheriff, Sept., 1930-Oct., 1935, incl.

Justice of the peace, Dec. 1, 1928-Oct. 31, 1935, incl.

Audit report of Arizona state board of barbers and cosmeticians.  
May 25, 1931-June 19, 1934, incl. 37 p., typed.\*\*

Audit report of Arizona state board of barbers and cosmeticians. June  
20, 1934-June 19, 1935, incl. 11 p., typed.\*\*

Fair commission. See State institutions

#### Health, State board of

24th ann. report of State board of health, 1935. B. B. Moeur, Governor,  
pres.; John L. Sullivan, Attorney-general, v.-pres.; Geo. C. Truman, M. D.,  
Superintendent of public health. 57 p., typed.\*\*

Arizona public health news. Official publication of the State board  
of health; monthly. Nos. 113-124, July, 1935-June, 1936. 3-6 p., pam.

##### *Division of vital statistics*

Summary of statistics, deaths and births, 1934. Geo. C. Truman, M. D.,  
Superintendent of public health; Fred C. Ruppelius, vital statistician. 15 p.,  
mimeo.\*

———— 1935. 19 p., mimeo.\*

#### Highway department, State

Arizona highways. Published monthly, "in the interest of good roads,"  
by the Arizona highway department; John C. McPhee, editor. \$1.00 per  
year; copy 10c. Vol. 11, nos. 7-12. July-Dec., 1935.\*

———— Vol. 12, nos. 1-6. Jan.-June, 1936.\*

Arizona road map. 1936. 17x22 in.\*

##### *State highway commission*

Budget 25th fis. yr., 1936-37. Shelton G. Dowell (Douglas), chr.; C. E.  
Addams (Phoenix), Jacob Barth (St. Johns), Jos. W. Angle (Tucson),  
Dr. E. C. Seale (Prescott), coms. C. C. Jarrett, sec. June 16, 1936. 37 p.,  
mimeo.\*

##### *Division of motor vehicles*

Laws relating to motor vehicles, fuel tax and motor carriers. Compiled  
by office of Attorney-general and published by Division of motor vehicles.  
Aug., 1935. 151 p., pam.

Recapitulation of distribution of motor vehicle fuel, July, 1935. 10 p.,  
mimeo.\*

———— July-Aug., 1935. 11 p., mimeo.\*

———— July-Sept., 1935. 13 p., mimeo.\*

———— July-Oct., 1935. 13 p., mimeo.\*

———— July-Nov., 1935. 13 p., mimeo.\*

———— July-Dec., 1935. 13 p., mimeo.\*

———— July-Jan., 1935-36. 14 p., mimeo.\*

———— July-Feb., 1935-36. 14 p., mimeo.\*

- \_\_\_\_\_ July-Mar., 1935-36. 14 p., mimeo.\*  
 \_\_\_\_\_ July-April, 1935-36. 14 p., mimeo.\*  
 \_\_\_\_\_ July-May, 1935-36. 14 p., mimeo.\*  
 \_\_\_\_\_ July-June, 1935-36. 14 p., mimeo.\*  
 \_\_\_\_\_ *Arizona highway patrol*

Monthly reports of field operations. July, 1935-June, 1936. 2 p. ea., tables, mimeo.\*

**Hospital for the insane.** See State institutions

**Industrial commission of Arizona**

Report of Commission, calendar yr. 1934, including audit of the books and records, by Rogers and Bailey, certified public accountants. J. Ney Miles, chr.; Howard Keener, L. C. Holmes, coms. 18 p., typed.\*\*

- \_\_\_\_\_ 1935. 10 p., typed.\*\*

**Industrial school.** See State institutions

**Land department, State**

23rd ann. report of State land commissioner, July 1, 1934 to June 30, 1935. Charles P. Mullen, Commissioner. 15 p., mimeo.

24th ann. report, July 1, 1935 to June 30, 1936. 27 p., statistics, mimeo.

Land code of the State of Arizona, including Federal land grants and state laws appertaining to state lands. 1936. 69 p., pam.

- \_\_\_\_\_ *State real estate commissioner*

Roster of licensed real estate brokers and salesmen, Jan. 1, 1932-June 10, 1932. Howard J. Smith, Real estate com. ex-officio. 30 p., pam.\*

Arizona's 1935 real estate roster and real estate code of 1928, Charles P. Mullen, Real estate com. ex-officio. 27 p., pam.\*

- \_\_\_\_\_ Supplemental real estate roster, 1935. 8 p., mimeo.\*

Roster of licensed real estate brokers and salesmen, Jan. 1, 1936-June 30, 1936. 35 p., mimeo., pam.\*

**Library, State**

Report of Law and legislative reference librarian (State librarian), for bienn. ended June 30, 1936. In *State library newsletter*, no. 3 (July, 1936). Mulford Winsor, Librarian. 15 p., pam.

Check-list of State reports, documents, and publications, July 1, 1933-June 30, 1935. In *State library newsletter* no. 2 (July, 1935). 23 p., pam.

Official register of the state of Arizona; corrected to Jan. 15, 1936. 30 p., typed.\*\*

- \_\_\_\_\_ *Legislative reference bureau*

Structural organization of Arizona state government. April, 1936. Chart. 1 p.

**Livestock sanitary board**

Ann. report of Livestock sanitary board, fis. yr. ended June 30, 1935. T. J. Cavness, chr.; W. C. McFadden, John P. Cull, mems.; Earl E. Horrell, sec. 4 p., typed.\*\*

- \_\_\_\_\_ fis. yr. ended June 30, 1936. 4 p., typed.\*\*

Ann. report of predatory animal control in Arizona, fis. yr. July 1, 1934-June 30, 1935. U. S. Bureau of biological survey, with cooperation of Livestock sanitary board. B. E. Foster, Dist. agent. 8 p., typed.\*\*

- \_\_\_\_\_ fis. yr. ended June 30, 1936. 9 p., typed.\*\*

**Medical examiners, Board of**

Arizona State medical directory, 1935. I. E. Huffman, M. D., pres.; J. E. Bacon, M. D., 1st vice-pres.; C. C. Bradbury, D. O., 2nd vice-pres.;

W. G. Schultz, M. D., mem.; J. H. Patterson, M. D., sec.-treas. 17 p., pam.\*

————— 1936. 19 p., pam.\*

**Military department, State**

Directory of the Arizona national guard and roster of commissioned officers, as of March 20, 1936. In Bulletin no. 1 (March 20, 1936). A. M. Tuthill, Adjutant-general. 5 p., mimeo.\*\*

**Mine inspector**

24th ann. report, yr. ended Nov. 30, 1935. Tom C. Foster, Mine inspector. 22 p., pam.

**National guard.** See Military department

**Pardons and paroles, Board of**

Report of Board of pardons and paroles, fis. yr. ended June 30, 1936. Walter Hoffmann, citizen member, chr.; John L. Sullivan, Attorney-general, H. E. Hendrix, Superintendent of public instruction, mems. ex-officio. 4 p., mimeo.\*

**Permanent funds, Investment of.** See Treasury

**Pharmacy, State board of**

Ann. report of State board of pharmacy, fis. yr. July 1, 1935-June 30, 1936. Lawrence Evans, Jr., secretary. 27 p., typed.\*\*

**Pioneers home.** See State institutions

**Prison.** See State institutions

**Public health.** See Health

**Public welfare, State board of**

Financial report of Board of public welfare (Emergency relief administration of Arizona), October, 1932 to November, 1934, incl. T. H. O'Brien, chr.; H. A. Clark, Hubert D'Autremont, Herman Lewkowitz, Grace M. Sparkes, mems.; Miss Florence M. Warner, sec. 17 p., mimeo.\*\*

Financial and statistical report, Oct., 1932-April, 1936, incl. Statistical dept. 18 p., typed.\*\*

Monthly financial statements of State board of public welfare, Sept., 1935-June, 1936. 2-4 p., typed.\*\*

Monthly reports of obligations and commitments (general relief, case load), July, 1935-June, 1936. A. J. Petrie, statistician. 3 p., ea., typed.

Estimate of auditor and comparison of administrative salary costs and relief by counties, Dec., 1934. D. B. Wiley, auditor. Jan. 31, 1935. 10 p., typed, chart.\*\*

Direct expenditures for care of unemployables by counties, fis. yr., 1934-35. 1 p., typed.\*\*

————— *Child welfare department*

Report of State child welfare department, July 1, 1934-June 30, 1935. Jessie Lloyd Johnson, sec. 1 p., typed.\*\*

Estimate of expenditures for State child welfare department, July 1, 1935-June 30, 1936. 1 p., typed.\*\*

**Real estate commissioner.** See Land department

**Registration, Board of** (architects, engineers, land surveyors, and assayers)

14th ann. report, 1935. V. O. Wallingford, chr.; L. S. Neeb, sec. 76 p., pam.\*

Code. Effective June 20, 1935. 6 p., pam.\*

**Secretary of State**

Report, 1935. James H. Kerby, Secretary of state. 5 p., typed.\*\*

Monthly reports, July, 1935-June, 1936, incl. James H. Kerby, Secretary of state. 1 p., ea., typed.\*\*

Nativity of registered voters of Arizona, Feb. 1, 1936. 6 p., mimeo.\*

**State engineer.** See Engineer

**State entomologist.** See Agriculture and horticulture

**State institutions, Board of directors of**

Ann. report, fis. yr. ended June 30, 1935. B. B. Moeur, Governor, pres.; Mit Simms, State treasurer, member ex-officio, A. N. Kelley, secretary. 109 p., typed.\*\*

Ann. report, fis. yr. ended June 30, 1936. 117 p., typed.\*\*

\_\_\_\_\_ *Arizona State fair commission*

Report of State fair commission, July 1, 1935-June 30, 1936. M. H. McCalla, chr., J. E. Thompson, E. C. Grasty, H. M. Fennemore, Harold Collins, mems. 13 p., typed.\*\*

\_\_\_\_\_ *Capitol buildings and grounds*

\_\_\_\_\_ *Free employment office*

\_\_\_\_\_ *Home for aged and infirm Arizona pioneers* (at Prescott)

Report of the Home for Arizona pioneers and State hospital for disabled miners, 1933-35. Ethel J. Ryckman, Superintendent. 18 p., pam.

\_\_\_\_\_ *State hospital for the insane* (at Phoenix)

Report for the biennium, July 1, 1933-June 30, 1935. James R. Moore, Superintendent. 15 p., pam.

\_\_\_\_\_ *State industrial school* (at Fort Grant)

Report of the State industrial school for the biennium, July 1, 1933-June 30, 1935. John R. Allen, Superintendent. 22 p., pam.

Young citizen. Institutional publication, by pupils of the school. July, Aug., Sept., 1935. 24 p., mag.\*

\_\_\_\_\_ First quarter, 1936. Vol. 9, no. 1. 20 p., mag.\*

\_\_\_\_\_ Second quarter, 1936. Vol. 9, no. 2. 20 p., mag.\*

Yearbook, 1935. 25 p., pam.\*

\_\_\_\_\_ *State prison* (at Florence)

Report for the biennium, July 1, 1933-June 30, 1935. A. G. Walker, Warden. 27 p., pam.

**Superintendent of public instruction**

13th bienn. report, July 1, 1934-June 30, 1936. H. E. Hendrix, Superintendent of public instruction. 400 p., pam.

\_\_\_\_\_ *Arizona educational directory, 1935-36.* 180 p., pam.\*

**Supreme court**

Report of cases argued and determined in the Supreme court, April 29, 1933-Jan. 15, 1934. Vol. 42. Alice M. Birdsall, reporter. 629 p., bd. For sale by Secretary of state. \$4.50.\*

\_\_\_\_\_ Jan. 22, 1934-June 5, 1934. Vol. 43. Pearl H. Collier, reporter. 615 p., bd. For sale by Secretary of state. \$4.50.\*

\_\_\_\_\_ June 13, 1934-Dec. 31, 1934. Vol. 44. Pearl H. Collier, reporter. 624 p., bd. For sale by Secretary of state. \$4.50.\*

**Tax commission, State**

\_\_\_\_\_ *Temperance enforcement division*

Liquor tax act. Chap. 46, Session laws of 1935. John A. Duncan, director. 11 p., pam.\*

**Teachers' college, Arizona State—at Flagstaff**

Catalog, 1935-36. Arizona State teachers' college at Flagstaff bulletin, vol. 15, no. 4 (May, 1935). 118 p., pam.\*

Catalog, 1936-37. Arizona State teachers' college at Flagstaff bulletin, vol. 17, no. 1 (March, 1936). 99 p., pam.\*

Pictorial number. Arizona State teachers' college at Flagstaff bulletin, vol. 17, no. 3 (May, 1936). 31 p., pam.\*

**Teachers' college, Arizona State—at Tempe**

Financial report, fis. yr. 1934-35. Grady Gammage, President. 6 p., mimeo.\*

Monthly financial report, July, 1935-June 30, 1936. 3-13 p., ea., typed.\*\*

Catalog, 1936-37. Arizona State teachers' college at Tempe bulletin, no. 19, general series (June, 1936). 182 p., pam.\*

**Treasurer, State**

Ann. report of State treasurer, fis. yr. ended June 30, 1935. Mit Simms, Treasurer. 19 p., 11 broadsheets, tables, typed.\*\*

\_\_\_\_\_ fis. yr. 1935-36. 23 p., 11 broadsheets, tables, typed.\*\*

Monthly reports of State treasurer, July, 1935-June 30, 1936. 4 p. ea., typed.\*\*

\_\_\_\_\_ *Permanent funds, Investment of* (State treasurer, with approval of Governor and Secretary of state)

Report on farm loans as of October 1, 1935. A. B. Campbell, secretary. 9 p., typed.\*\*

**University of Arizona (at Tucson)**

Budget, 1935-36. J. Prugh Herndon, assistant comptroller, in charge. 104 p., typed.\*\*

\_\_\_\_\_ 1936-37. 105 p., typed.\*\*

\* Announcement for the academic year 1936-37. University of Arizona record, vol. 29, no. 3 (June, 1936). 273 p., pam.\*

Ecology and life history of the porcupine (*erethizon epixanthum*) as related to the forests of Arizona and the southwestern United States. Walter P. Taylor. In U. of A. bulletin, vol. 6, no. 5; Biological science bulletin no. 3 (July 1, 1935). 177 p., pam., illus.\*

Mimes and miners. A historical study of the theater in Tombstone. Clair Eugene Willson. In U. of A. bulletin, vol. 6, no. 7; Fine arts bulletin no. 1 (Oct. 1, 1935). 207 p., pam., illus.\*

Geography and rythm. Arthur Olaf Andersen. In U. of A. bulletin, vol. 6, no. 8; Fine arts bulletin no. 2 (Nov. 15, 1935). 42 p., pam.\*

Arizona and its heritage. By thirty-three members of the staff. In U. of A. bulletin, vol. 7, no. 3; General bulletin no. 3 (April 1, 1936). 291 p., pam., illus., map.\*

Two pueblo ruins in west central Arizona. Edward H. Spicer and Louis P. Caywood. In U. of A. bulletin, vol. 7, no. 1; Social science bulletin no. 10 (Jan. 1, 1936). 115 p., pam., illus.\*

Edmond Scherer on the Franco-Prussian war. Nine letters written anonymously to the New York world. Introduction by N. J. Tremblay. In U. of A. bulletin, vol. 7, no. 4; Social science bulletin no. 11 (May 15, 1936). 60 p., pam.\*

Arizona historical review. Quarterly magazine; previously published by Arizona historian; now published by U. of A., with cooperation of Arizona pioneers' historical society. \$3.00 per year, \$1.00 per copy. Vol. 6, no. 3 (July, 1935). 96 p., mag.\*

- \_\_\_\_\_ Vol. 6, no. 4 (Oct., 1935). 96 p., mag.\*  
 \_\_\_\_\_ Vol. 7, no. 1 (Jan., 1936). 96 p., mag.\*  
 \_\_\_\_\_ Vol. 7, no. 2 (Apr., 1936). 96 p., mag.\*  
 \_\_\_\_\_ *Bureau of mines*  
 Treating gold ores. T. G. Chapman. Bulletin no. 138; Metallurgical series no. 4 (April 1, 1935). 28 p., pam., illus.\*  
 Some facts about ore deposits. G. Montague Butler. Bulletin no. 139; Geological series no. 8 (Aug. 15, 1935). 99 p., pam.\*  
 Arizona metal production. M. J. Elsing and R. E. S. Heineman. Bulletin no. 140; Economic series no. 19 (Feb. 15, 1936). 112 p., pam.\*  
 \_\_\_\_\_ *College of agriculture*  
 \_\_\_\_\_ *agricultural experiment station*  
 104 46th ann. report, yr. ended June 30, 1935. Arizona's farm problems. p., pam., illus.\*  
 150 Quality of Arizona cotton. R. L. Matlock, J. R. Kennedy. Bulletin no. (June 1, 1935). Pp. 287-351, pam.\*  
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Report of State homemaking conference, Prescott, Aug. 26-30, 1935. Conducted by State department of vocational education. H. E. Hendrix, State director; Ruth E. Oelke, State supervisor; Hazel B. McKibben, conference leader. 46 p., mimeo.\*

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Water code of the State of Arizona. Chap. 81, Revised Code of 1928, as amended. Edwin T. Stewart, State water commissioner. Nov., 1935. 35 p., pam.

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## THE SUPREME COURT SAYS

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### THE LEGISLATURE

#### Validity of appropriations

(1) Chapter 61, Session laws of 1931 (empowering the Governor to issue proclamations to cover expenses of tax suits) violates the constitutional provision (sec. 5, art. 9) that "No money shall be paid out of the state treasury, except in the manner provided by law."

(2) The Legislature must itself make any appropriation \* \*, and it cannot delegate that power \* \*.

(3) To constitute a valid appropriation \* \*, it must, if the appropriation is to be paid from the general fund, fix at least a maximum amount \* \*.

—Crane v. Frohmler, State auditor; June 7, 1935 (45 Pac. 2nd, 955). Opinion by Chief Justice Lockwood.

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(1) Chapter 61, Session laws of 1931, does not violate the Constitution, for failure to place a maximum limit on the Governor's authorization to incur debts and liabilities for the purpose of providing funds to defend tax suits, when such authorization is considered as supplemental to section 2620, Revised Code of 1928, which creates an emergency fund and limits it to "balances in the general fund \* \*".

(2) This, says the court, "would at first blush seem to be an overruling of Crane v. Frohmler (45 Pac. 2nd, 955), but \* \* it is not." In the former case the court "overlooked the fact that there is a limit \* \* found in section 2620."

(3) "If there is sufficient balance in such fund" (the so-called "act-of-God" emergency fund created by section 2620) the auditor should audit claims drawn under authority of the Governor's proclamation, but "only if there are such funds."

—Prideaux v. Frohmler, State auditor; March 25, 1936 (56 Pac. 2nd, 628). Opinion by Justice Ross.

Chief Justice Lockwood, dissenting, declares: 1. that "money cannot be paid out of the state treasury except when an appropriation thereof is made"; 2. that chapter 61, Session laws of 1931, should not be considered as supplemental to section 2620, either as an amendment or in *pari materia* therewith; 3. that, therefore, the act is unconstitutional, because it does not contain the essential element of an appropriation, "a certain amount"; and, 4. that even if the majority construction be correct, "we know judicially that there is not, and has not been for many years, any such balance."

\* \* \*

#### Legislative power over court rules

(1) The Legislature \* \* has the supreme authority (with respect to court rules), except in so far as any rules made by it may unreasonably limit or hamper the courts in the performance of the duties imposed upon them by the Constitution.

(2) In the absence of a constitutional or statutory reason to the contrary, all courts have the inherent right to make rules for the regulation of their own practice and for the conduct of their business.

—De Camp v. Central Arizona Light & Power Co.; May 1, 1936 (57 Pac. 2nd, 311). Opinion by Chief Justice Lockwood.

**Legislative redistricting**

(1) Every county entitled to more than one Representative (art. 4, pt. 2, sec. 1, Constitution, as amended in 1932) shall have one for each 2,500 votes or major fraction thereof, and shall not have fewer than the number which its 1930 vote would entitle it to.

(2) The Board of supervisors is required to redistrict the county for legislative purposes when, by reason of an increase in the votes cast at the preceding election, it is entitled to a greater number of Representatives, but is not required to redistrict when there is a decrease in votes.

—Board of Supervisors of Maricopa county v. Pratt; May 18, 1936 (57 Pac. 2nd, 1220). Opinion by Justice McAlister.

**CONSTITUTIONALITY OF ENACTMENTS****Budget law**

(1) Chapter 10, Session laws of 1931, authorizing and empowering the governing bodies of political subdivisions to pay indebtedness incurred prior to July 10, 1929, in violation of the state budget law, is constitutional.

(2) The Legislature has power (when it interferes with no vested right, and there is no constitutional inhibition) "to enact restrospective statutes to rectify and confirm any act it might lawfully have authorized in the first instance."

—Palmercroft Development Co. v. City of Phoenix; Sept. 30, 1935. Opinion by Justice Ross; Justice Lockwood dissenting.

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**Amending municipal charters**

Chapter 81, Session laws of 1933, amending the charter of the city of Prescott (act number 37, Laws of the Territory of Arizona, 1883), violates article 4, section 19, subdivision 17, of the Constitution, for the reason that it is a "special law" relating to the "incorporation of cities, \* \* \* or amending their charters."

—City of Prescott ex rel. Dodge, Tax Collector, v. O'Sullivan et al.; Dec. 31, 1935 (53 Pac. 2nd, 69). Opinion by Justice McAlister.

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**Deficiency judgments**

Chapter 88, Session laws of 1933 (to do away with deficiency judgments) is not applicable to contracts entered into before the approval of the law by popular vote, October 28, 1930.

—Kress et ux. v. White, Superintendent of banks; Feb. 10, 1936 (54 Pac. 2nd, 800). Opinion by Justice Ross.

—Bontag et ux. v. McCurdy; July 15, 1936 (59 Pac. 2nd, 326). Opinion by Justice McAlister.

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**Initiative and referendum publicity pamphlets**

(1) Chapter 62, Session laws of 1935 (the Angius bill, relating to initiative and referendum publicity pamphlets) is constitutional in all respects, within the power of the Legislature to enact, and within the power of executive officers of the state to carry out.

(2) The Legislature is the sole judge of how the publicity absolutely required, in order that initiative and referendum provisions of that instrument may be workable and not a trap for the voter, may be given.

(3) The constitutional provision in regard to publicity must be substantially followed or the proposed law cannot be legally adopted.

(4) When it appears affirmatively that constitutional and statutory rules in regard to the manner in which initiative and referendum petitions should be submitted have been so far violated that there has been no substantial compliance therewith, the courts have jurisdiction to enjoin the election at the suit of an interested citizen.

(5) An act approved by the people in a manner contrary to that provided by the constitution is just as invalid as an act passed by the Legislature in a manner prohibited by constitutional mandate.

—James H. Kerby, Secretary of state, v. A. J. Griffin, Dec. 1, 1936 (not published). Opinion by Chief Justice Lockwood.

—Justice McAlister, dissenting, while "readily agreeing" as to the validity of chapter 62, supra, and that it should have been followed, says:

(1) "Even though failure (of the Secretary of state) to give the required publicity might render the measure invalid, as it likely would \* \* the question could properly arise only if the measure should be approved and its validity attacked. \* \*"

(2) "The duty of the Secretary of state (with respect to causing to be printed on the official ballot the title and number of initiated or referred measures) is mandatory—the court has no power to interfere with his performance of it."

\* \* \*

#### Luxury tax an excise tax

(1) The luxury tax (chap. 78, Session laws of 1935) is not a property tax, conformable to the uniformity provision of the Constitution, but an excise tax—a sale or privilege tax.

(2) The Legislature's classification of selected property as luxuries for the purpose of imposing the tax is not arbitrary, unreasonable, and discriminatory, and therefore does not violate section 13, article II, of the Constitution.

(3) In the exercise of a plenary power (see sec. 12, art. 14, Constitution) the Legislature may select certain classes of privileges, businesses, or occupations, and leave others untaxed.

—Stults Eagle Drug Company v. Frank Luke, Thad Moore, and D. C. O'Neill, as members of the Tax commission; Dec. 7, 1936 (not published). Opinion by Justice Ross.

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### PUBLIC OFFICERS

#### Disbarment of attorneys

The power of disbaring an attorney for bad character or unprofessional conduct is inherent in the Supreme court, and is not, and cannot, be limited or taken away by the Legislature, though the latter may provide such other grounds of disbarment as it may see fit, and the court will accept them as sufficient.

—In re Myrland; June 3, 1935 (45 Pac. 2nd, 953). Opinion by Chief Justice Lockwood.

When the board of governors of the State bar has investigated charges against an attorney of unprofessional conduct, its power is to do one of two things: 1. enter an order \* \* dismissing the charge or charges; or, 2. make a minute entry that it deems the evidence sufficient to merit further action. The board is "beyond and outside its powers when it makes recommendations to this (the Supreme) court."

—In re Hoover; June 24, 1935 (46 Pac. 2nd, 647). Opinion by Justice Ross.

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#### Reduction of salary

(1) The Legislature can, by an act adopted before the term of office of an officer commences, provide for a salary change to take effect after such term has commenced without violating article 4, section 17, of the Constitution (compensation of public officer increased or diminished during his term).

(2) The act of the Legislature (chap. 41, Session laws of 1933) gave notice to prospective candidates that \* \* there would be a general salary reduction.

(3) Petitioner and his \* \* assignor (members of the Tax commission) were advised by the provisions of article 4, section 17, of the Constitution (when an increase or decrease of salary becomes effective as to one member of a court, board, or commission, it shall be effective as to all) that since the salary of the commissioner to be elected would be reduced, theirs would receive the same reduction.

—Moore et al. v. Frohmiller, State auditor; June 26, 1935 (46 Pac. 2nd, 652). Opinion by Chief Justice Lockwood.

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#### Appropriation for salaries of State officers

While it is customary for the Legislature to make appropriations for the salaries of state officers, it is not necessary, in order that they be paid, when the office is for a definite term and the amount of the salary is fixed by law or the Constitution.

—Moore et al. v. Frohmiller, State auditor; June 26, 1935 (46 Pac. 2nd, 652). Opinion by Chief Justice Lockwood.

\* \* \*

#### Assistant Attorney-general—Assistant to the Attorney-general

(1) An "assistant Attorney-general", exercising the power of the attorney-general, retained "to represent the state", and having taken an oath of office, is a public officer, with the rights, duties, and limitations thereof.

(2) A retainer, to be paid to a public officer, is a fee rather than a salary, and therefore violates section 17, article 22, of the Constitution.

(3) An officer who has no fixed and definite term of office, but holds merely at the will of the appointing power, is not subject to the constitutional provision (sec. 17, pt. 2, art. 4, Constitution) prohibiting the compensation of any public officer to be increased or diminished during his term of office.

—State ex rel. Colorado river commission et al. v. Frohmiller, State auditor; Nov. 25, 1935 (52 Pac. 2nd, 483). Opinion by Chief Justice Lockwood.

(1) An attorney, employed by the Attorney-general, with expressly limited employment and authority, as an assistant to the Attorney-general, is a mere employee, does not have the status of a public officer, and is privileged to accept such employment on a fee basis.

—Moore v. Frohmler, State auditor; Jan. 20, 1936 (53 Pac. 2nd, 354). Opinion by Justice Ross.

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#### Liability of Superintendent of banks

(1) The Superintendent of banks is not liable on his official bond for losses caused by the erroneous exercise of discretionary powers (as in permitting a bank to continue business), though his decision "must be an honest one based upon an examination of the bank's resources." Evidence that the decision was not made in good faith will take that question to the jury.

—Fidelity & Deposit Co. of Maryland v. Ware; Jan. 6, 1936 (53 Pac. 2nd, 415). Opinion by Justice Ross.

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#### Expenses of the Governor's office

(1) The contingent fund (of the Governor's office) "is \* \* for miscellaneous and unforeseen incidental expenses, \* \* but these expenses must be for the public use or some governmental purpose."

(2) Cost of a group photograph for the Governor's home and for members of the group; the expenses of guests on trips, and purchase of books which "had no relation to the duties of the Governor's office," are not payable out of the public funds.

—Valley Bank & Trust Co. v. Proctor; Jan. 20, 1936 (53 Pac. 2nd, 857). Opinion by Justice Ross.

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#### Budget law binding on home-rule cities

The "budget law" (secs. 3079 and 3098, Revised Code of 1928), prohibiting the creation of obligations in any one year in excess of the amount specified in the budget for that year, is binding on home-rule cities, and a contract for purchases in excess of such amount is void ab initio and unenforceable.

—American-La France & Foamite Corporation (Pacific) v. City of Phoenix et al.; Feb. 3, 1936 (54 Pac. 2nd, 258). Opinion by Chief Justice Lockwood.

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#### Governor's emergency fund

(1) Whether an emergency or contingency exists authorizing the Governor to incur debts against the emergency fund (section 2620, Revised Code of 1928) is a question of fact, the ascertainment of which devolves upon the Governor.

(2) The exercise of the Governor's discretion upon the facts should not be disturbed by the courts unless for a lack of power or an abuse of discretion.

—Prideaux v. Frohmler, State auditor; March 25, 1936 (56 Pac. 2nd, 628), quoting Vandergrift v. Riley, 30 Pac. 2nd, 516. Opinion by Justice Ross; Chief Justice Lockwood dissenting, but not as to rule above stated.

### Checking of nomination papers

(1) It is not the duty of the Secretary of state to check the names of signers on nomination papers with the list of registered voters, nor to pass upon the qualifications of the signers or the person who certifies to the papers.

(2) If the candidate's papers are regular in form, or substantially so, and if the signers on his nomination papers are equal to the percentage prescribed, and such papers are presented within the required time, it is the (implied) duty of the Secretary of state to certify the candidate's name to the several boards of supervisors.

—Sims Printing Co. v. Frohmler, State auditor; June 8, 1936 (58 Pac. 2nd, 513). Opinion by Justice Ross.

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### Initiative and referendum

(1) Initiated (not proposed amendments to the Constitution) or referred measures, and measures referred to the people by the Legislature, may be submitted to the people only "at the next regular general election." (Sub. 10, sec. 1, pt. 1, art. 4, Constitution).

(2) The "next regular general election" means the election held on the first Tuesday after the first Monday in November, of even-numbered years.

(3) Provisions of the Constitution are mandatory, unless otherwise stated.

—Estes v. State; June 17, 1936 (58 Pac. 2nd, 753). Opinion by Justice Ross.

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### Terms of Tax commissioners

It was the duty of the proper officers to provide for the election of one, and only one, full-term Tax commissioner, at the general elections held in 1930, 1932, and 1934, and was and is their duty to provide for the election of one, and only one, full-term Tax commissioner at the general election of 1936 (sec. 2, chap. 23, Session laws of 1912, and sec. 3056, Revised Code of 1928), notwithstanding that, because no general election was held in 1912, it had become the practice to elect two commissioners at one time, and that beginning in 1912, and in each succeeding sixth year, no commissioner had been elected.

—Brooks v. Kerby, Secretary of state; Sept. 26, 1936 (60 Pac. 2nd, 1074). Opinion by Chief Justice Lockwood.

—Moore v. Kerby, Secretary of state, and Luke v. Kerby, Secretary of state; Oct. 5, 1936 (60 Pac. 2nd, 1119). Per curiam.

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### Appeals from State land commissioner

The State land department has no jurisdiction to entertain an appeal brought to it after the expiration of twenty days from the rendition of the decision by the State land commissioner.

—Moeur et al. v. Chiricahua Ranches Co., and Moeur et al. v. Gill; Sept. 28, 1936 (61 Pac. 2nd, 163, 170). Opinion by Justice McAlister.

(1) Under the statute (sec. 2966, Revised Code of 1928) requiring notice of appeal from the State land commissioner to the State land department to be given within twenty days, service of such notice within the specified time, both on the adverse party and on the commissioner or department, is mandatory.

(2) If an appellant from a decision of the State land commissioner fails to give notice of appeal to the successful party to such decision, within the specified time, the department has no jurisdiction to entertain the appeal, and any decision entered by it is void.

—*Moaur et al. v. Ashfork Livestock Co.*; Oct. 5, 1936 (61 Pac. 2nd, 395). Opinion by Justice McAlister.

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#### **Liability of Board of supervisors**

(1) If the facts authorize an action against the recipient (of county moneys on a claim allowed by the Board of supervisors), they likewise authorize an action against the Supervisors.

(2) Where a county physician was employed at a fixed monthly salary, to furnish surgical and medical attendance, the payment of an anaesthetist fees was an increase in the physician's salary in violation of the statute (secs. 790, 811-817 as amended, 2799, Revised Code of 1928).

—*Pima county v. Anklam et al.*; Oct. 5, 1936 (61 Pac. 2nd, 172). Opinion by Justice Ross.